

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40142 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- BARHARA KOTHI District- Purnia

Saurav Kumar Sharma @ Suman S/O Rajeev Kumar Sharma R/O Village-Ithari, Ward No. 16, P.S-Jankinagar, District- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Pranav Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barhara (Raghubansh Nagar) P.S. Case No. 102 of 2021 registered for the offences punishable under Sections 411/34 of the Indian Penal Code and Section 25(1-b)/a/26/35 of the Arms Act. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner was arrested while he was going on Scorpio with 3 other persons and from his possession one country-made pistol and 5 live cartridges were recovered.



Learned counsel submits that it is a case of false implication at the instance of the opponent of the petitioner who were trying to somehow defeat the mother of the petitioner in the ensuing election of Gram Panchayat. The mother of the petitioner was sitting Mukhiya of the Panchayat.

It is further submitted that the petitioner has no previous criminal antecedent and in connection with this case, he has remained in custody for over 10 months and investigation against him is complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioner but considering that the petitioner in this case has got no previous criminal antecedent and in connection with this case he has remained in custody for over 10 months and the submission is that of false implication because of political rivalry, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Purnia in connection with Barhara (Raghubansh Nagar) P.S. Case No. 102 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

