

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35080 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- JHAJHA District- Jamui

Raj Kumar Sharma @ Gunnu Sharma Son Of Gobardhan Sharma R/O
Village- Paingaha, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv
For the Opposite Party/s : Mr. Rajeev Nayan App,

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Jhajha P.S. Case No. 100 of 2022 for the offences punishable under Sections 25 (1-AA) 25, (1-B) A, 26, 35 of the Arms Act.

As per the prosecution case, it is alleged that the police on a secret information raided the house of the petitioner and on search, two country made pistol, five live cartridges, one barrel of country made masket and one mobile were recovered.



Learned counsel for the petitioner submits that the alleged recovery has been made from the joint residential house where four families have been residing since long. So far as the petitioner is concerned, only because of the one past criminal antecedent his name has been implicated in this case, though nothing has been recovered from conscious possession of the petitioner. He next submits that there are other infirmities in the preparation of seizure list and moreover, the petitioner is in custody since 30.03.2022 and he is ready to give undertaking that he will fully co-operate in the trial.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that huge arms and ammunition have been recovered from the house of the petitioner and his complicity cannot be ruled out and he has found involved in one another case.

Regard being had to the submission and considering the fact that the alleged recovery has been made from joint residential house and the petitioner is in custody since 30.03.2022 and moreover, investigation of the crime is complete and the charge sheet has been submitted , let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S.Case No. 100 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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