

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35558 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- RAJGIR District- Nalanda

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AMIT VISHKARMA @ DILIP VISHKARMA SON OF DINESH
VISHKARMA R/O-JAIRANPUR, P.S.- SARE, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sujata Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard Ms. Sujata Sinha, learned counsel for the

petitioner and learned APP for the State in Virtual Court

Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 25(1-a), 26(i)
(ii), 35 Arms Acts in connection with Rajgir P.S. Case No. 76 of
2022.

The prosecution story reads as follows :-

One Gyan Ranjan, ASI gave written report to the
office in-charge of Rajgir police station about the occurrence. It
has been alleged that on 13.2.2022, one Amit Vishkarma
confessed and stated that at village Kripa Bigha arms and other
articles for making arms have been stocked in house of Sanjay



Vishkarma. It is further alleged that police thereafter raided the house of Sanjay Vishkarma and on search arms, live cartridges were recovered and thereafter FIR was lodged.

Learned counsel for the petitioner submits that he was made accused in Excise Act and further it is alleged that he took the police to the house of accused Sanjay Vishkarma from where all the illegal fire arms materials have been recovered/seized. Further submission is that from the FIR it transpires that all the recovery is from the house of Sanjay Vishkarma and he had no role to play in the said recovery. The last submission being he is in custody since 11.3.2022.

Mr. Bharat Bhushan, learned APP on the other hand submits that it was the petitioner on whose behest the police went to the house of Sanjay Vishkarma from where a cache of fire arm materials were recovered.

Be that as it may, all the recoveries have been since been made from the house of Sanjay Vishkarma, the petitioner is in custody since 11.3.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of Chief Judicial Magistrate Nalanda at Biharsharif in connection with Rajgir P.S. Case No. 76 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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