

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38314 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Md. Shamsher Alam @ Guddu Son of Idrish Mian R/O Village- Natesar, P.S.-
Neemchak Bathani, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44537 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Amit Raj @ Bholu Yadav @ Bholu S/O Ramnandan Yadav @ Ramanandan
Prasad @ Ramanand Prasad Resident of Village- Dewanpura, P.S.- Kadirganj,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46337 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Nirbhay Kumar Son of Arun Prasad @ Arun Kumar Sinha R/O Village-
Nardiganj, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38314 of 2022)

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the State : Mr. Shaheen Begum, APP

(In CRIMINAL MISCELLANEOUS No. 44537 of 2022)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the State : Mr. Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 46337 of 2022)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the State : Mr. Ram Naresh Ray, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Neemchak Bathani P.S. Case No. 45 of 2022 registered for the
offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

The allegation against the petitioner is to have in
possession of four rifles, two country made pistols, one double
barrel gun, 56 cartridges of different bores and two magazines
of country made pistols. The alleged recovery of fire arms was
made from the house of co-accused, namely, Raju Khan.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner after arrival of police party, out of
curiosity, went to the place of recovery and for the said reason,
under misconception, he was falsely implicated in the present
case. It is further submitted that seizure list clearly speaks that
save and except mobile phone, no incriminating material was
recovered from possession of the petitioner, who is a man of



clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as no fire arm was recovered from the possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Neemchak Bathani P.S. Case No. 45 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Gaya/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be the family member as mother/father/brother.

(Chandra Shekhar Jha, J)

Ankit/-

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