

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40631 of 2022**

Arising Out of PS. Case No.-103 Year-2022 Thana- BIHIA District- Bhojpur

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RANDHIR KUMAR SHARMA S/o Indrajit Sharma Resident of Village-
Raghunathpur, P.S.- Paliganj, District - Patna, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Bihiya P.S. Case No. 103 of 2022 for the offences under
Sections 467, 468, 471 and 34 of the Indian Penal Code and 25
(1-b)a, 26 and 35 of Arms Act.

As per the prosecution story, upon secret information,
the police intercepted two persons including the petitioner
herein who were standing near a temple and upon search, it is
alleged that a mobile, Rs. 20,500/- as also one S.B.B.L. gun was
recovered from his bag beside some cartridges and certain



incriminating forged documents. Accordingly, the same were seized and the F.I.R lodged.

Learned counsel for the petitioner submits that only because he has criminal antecedent, the police has implicated him in this case and accordingly, he is in custody since 24.03.2022 (as stated in paragraph-9 of the bail application). He further submits that the petitioner is ready to abide by all the terms and conditions, if granted the privilege of bail. It is his last submission that the petitioner has only one criminal antecedent bearing Sukhdeo Nagar, P.S. Case No. 525 of 2020 lodged on 4.12.2020 and if it is found that he has more than one criminal case lodged against him, the bail order shall become infructuous.

Learned APP for the State, on the other hand, opposes his bail stating that S.B.B.L gun has been recovered and as such, he does not deserve bail.

Be that as it may, taking into account the fact that he is in custody since 24.03.2022, charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail in certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two



sureties of like amount each to the satisfaction of learned Court of C.J.M., Bhojpur, Ara in connection with Bihiya, P.S. Case No. 103 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (Patna) for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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