

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45844 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- BIHARIGANJ District- Madhepura

AMARJEET KUMAR SHARMA @ AMARJEET SHARMA @ AMAR
KUMAR Son of Jyotish Sharma R/o village - Sarauni Kala, Ward No.- 11,
Sharma Tola, P.S.- Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 88 of 2021 registered for the offences
punishable under Sections 25(1-b)a/26/35 of Arms Act.

As per prosecution case, there is alleged recovery
of one country made pistol and four live cartridge alongwith one
Pulsar motorcycle from the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.04.2022. Petitioner bears one
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that alleged recovery has been made from joint family house and petitioner has no knowledge about the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that the motorcycle, which has been recovered from the house of the petitioner, belongs to the petitioner. The petitioner is innocent and has falsely been implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, District Madhepura in connection with Bihariganj P.S. Case No. 88 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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