

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56776 of 2021

Arising Out of PS. Case No.-243 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Dayanand Sharma Son of Late Ram Kripal Sharma Resident of Bhagwat
Nagar, House No. 56, P.S.- Swar, District - Rampur (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate.

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-05-2022 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 Begusarai (Town Lohiya Nagar OP) P.S.Case No. 243 of
2021 for the offences punishable under Sections 25(1-B)a and
26 of the Arms Act(for brevity, the Act)

As per the prosecution case, it is alleged that on
secret information from STF, the police personnel intercepted
this petitioner and on search, six country made automatic pistol
with loaded magazines and six other magazines were recovered
from a bag which was in possession of this petitioner.

It is submitted by the learned counsel for the



petitioner that as per section 25(1-B)a of the Act the punishment has been provided for a period which shall not be less than two years but which may extend to five years and shall also be liable to fine and so far Section 26 of the Act is concerned, the same is not applicable in the present case. It is next submitted that this petitioner is in custody since 22.03.2021, having no criminal antecedent and he is ready to give undertaking that he will remain present on each and every date of trial and also provide a local bailor.

On the other hand, learned counsel for the State vehemently opposed the bail application of the petitioner and submits that there is huge recovery of arms and ammunitions from possession of the petitioner and as such he does not deserve the privilege of bail.

Considering the fact that in the alleged offence, the maximum punishment as has been provided under section 25(1-B)a of the Act is for a period which shall not be less than two years but which may extended to five years and so far as section 26 of the Arms Act is concerned, the same as per the prosecution case is not applicable in the present case and this petitioner having no criminal antecedent and further an undertaking is given by this petitioner, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Lohiya Nagar OP) P.S.Case No. 243 of 2021, 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 bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial court.

(Harish Kumar, J.)

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