

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50147 of 2022**

Arising Out of PS. Case No.-95 Year-2021 Thana- BHAGWANPUR District- Begusarai

VIMAL SHARMA @ BIMAL SHARMA S/O JAGESHWAR SHARMA
Resident of village- Naula, P.S.- Bhagwanpur, District- Begusarai (Shivhar
wrongly typed in Impugned Order)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Bhagwanpur PS case no. 95 of 2021 instituted for the
offences punishable under Section 414 of Indian Penal Code and
Sections 25(1-b)a, 26 of Arms Act.

The allegation is regarding the police having
apprehended the co-accused person namely Mohan Rai and
from his possession, three country made pistols and one
motorcycle was recovered. Upon inquiry, it transpired that the
motorcycle in question is a stolen motorcycle and as far as the
arms are concerned, the said Mohan Rai disclosed that he has
purchased the same from the petitioner.



The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 21.05.2022. It is further submitted that the petitioner is an accused in five other cases but he is on bail in all the said cases, nonetheless, it is submitted that the petitioner is ready to abide by such conditions, as this Court deems fit and proper to impose upon him for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no illicit arms have been recovered from the conscious possession of the petitioner and he has been merely named by the co-accused person namely Mohan Rai, to be the person, from whom he had purchased the illicit arms, though I deem it fit and appropriate to admit the petitioner to the privilege of bail, however, subject to certain conditions, considering the bad antecedent of the petitioner.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of



Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Begusarai in connection with Bhagwanpur PS case no. 95 of 2021.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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