

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61303 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- SUPPI District- Sitamarhi

=====

BHARTENDU KUMAR JHA SON OF SANJAY KUMAR JHA Resident of
Village - Motipur, P.s.- Suppi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Suppi
P.S. Case No. 124 of 2021 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made
pistol from the possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, the F.I.R. has been instituted



on 05.07.2021 at 9:45 P.M. whereas the seizure list has been prepared on the same date at 08:30 A.M. with the registration number of F.I.R. even though the seizure has been prepared prior to institution of the First Information Report. He further submits that according to the F.I.R. and the seizure list, one country made pistol is said to have been recovered from the possession the petitioner but, as a matter of fact, no arms as alleged in the F.I.R. or anything incriminating has been recovered from the possession of the petitioner rather the police has planted the story and shown the alleged recovery from the possession of the petitioner. The police after investigation has submitted charge sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitarmarhi in connection with Suppi P.S. Case



No. 124 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

