

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51906 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- GAMAHARIYA District- Madhepura

Pintu Sharma S/o Ganga Sharma @ Ganga Chaupl R/o village- Chaughara,
Ward No. 05, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pawan Kumar, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Gamhariya P.S. Case No. 89 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and 25(1-B)a/26/35 of the Arms Act.

It is alleged that while the police party was proceeded for patrolling, they got an information that three miscreants after snatching a chain and mobile from a woman, fled away towards the *Tarave Chowk*. In the way, the informant saw that three



persons were fleeing on a motorcycle and mob was chasing them. The police apprehended the accused persons and on search, one loaded country made pistol was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that admittedly no looted articles or snatched chain was recovered from the possession of the petitioner. He further submits that in fact nothing has been recovered from the person or possession of the petitioner, however, as the petitioner was apprehended by the mob, his name has been implicated in this case, showing the recovery from his possession. He next submits that the petitioner, having fair antecedent, is in custody since 21.05.2022 and, moreover, the investigation of the crime is already complete and the charge-sheet has been submitted. He lastly submits that the petitioner is not the person who is said to be involved in snatching the chain and mobile of the woman nor he has been put on Test Identification Parade (TIP).

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended by the police and from his possession, loaded country made pistol was recovered.

Regard being had to the submissions made on behalf



of the parties and considering the period of custody and the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura in connection with Gamhariya P.S. Case No. 89 of 2022, 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.

(Harish Kumar, J)

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