

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54350 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- JADIA District- Supaul

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Santosh Sharma Son of Late Luchai Sharma Resident of village - Laxmipur
Bhagwati, P.S.- Srinagar, District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within two weeks.

Heard learned counsel for the petitioner and Mr. Nand
Kishore Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Jadia P.S. Case No. 28/2021 registered for
the offences under Section 25(1-B)/25(AA) 26, 29 and 35 of
the Arms Act. He is in custody since 06.02.2021 having five
criminal antecedents as stated in paragraph '3' of the
application.

As per the prosecution story, while the informant got
secret information that the accused involved in Pipra murder
case are standing at Mogla Dhar Nandana for going to



elsewhere, he reached there with police party and looking the police they wanted to flee away but were apprehended by police and on asking they disclosed their names as Santosh Sharka, Shambhu Sah, Santosh Sah and Shravan Kumar and on search, in left side of full paint one country made katta and one live cartridge from petitioner was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating article has been recovered from possession of the petitioner, however he is in custody.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is alleged that from possession of the petitioner one country made pistol and one live cartridge has been recovered, but in connection with this case he has remained in custody since 06.02.2021, investigation against him is complete and there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of



Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Supaul, in connection with Jadia P.S. Case No. 28/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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