

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65112 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- JANKINAGAR District- Purnia

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VIVEK KUMAR SHARMA SI/o Bechan Sharma R/o Janki Nagar, Kari
Mandal Tola, PPS.- Janki Nagar. Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Vide order dated 06.05.2022, the petitioner was directed to
file a supplementary affidavit clearly stating as to what is the present
stage of the case stated in paragraph '3' of the application.

A supplementary affidavit has been filed and hard copy
has been brought on record in course of the day.

Learned counsel for the petitioner submits that despite his
best effort, he could not get the copy of F.I.R. and final order passed
in G. R. Case No. 1218 of 2017 which was mentioned under the head
of the antecedent in paragraph '3' of the main petition. It has been
prayed for calling the court of Juvenile Justice Board, Purnea in the
aforesaid case.

I do not think any useful purpose would be served in
calling for the record. The matter is put up for hearing.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Janki Nagar P.S. Case No. 17 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Indian Arms Acts, 1959.

As per prosecution case, the petitioner and other co-accused persons were apprehended after they had been running away snatching a mobile phone. From the possession of this petitioner one country made pistol with misfired cartridge was recovered.

Learned counsel for the petitioner submits that petitioner is a young man and only allegation against him that of snatching a mobile phone. Nothing incriminating has been recovered from him. He is in custody since 03.02.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery of the country made pistol from this petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the submission of charge sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge, Purnea in connection with Banmankhi P.S. Case No. 17 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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