

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56357 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- SAHPUR District- Patna

Shivam Kumar @ Shivam Sarkar Son of Dinesh Yadav R/o- Bhagwatipur,
P.S.- Shahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-12-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion of the bail petition, inadvertently, instead of 'A.C.J.M.-I', A.D.J-I has been typed.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Shahpur P.S. Case No. 175 of 2021 registered for the offence under Sections 399, 402 of the IPC and 25(1-b)a/26/35 of the Arms Act.



The accused/petitioner is named in the F.I.R. and is in custody since 30.05.2021.

The allegation against the petitioner is to have in possession of one country made pistol alongwith three live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged firearms was not made from conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that the petitioner involved in 5 more criminal cases, where he is on bail, and for same reason, without having any connecting evidence, petitioner named in present case. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed



to be released on bail in connection with Shahpur P.S. Case No. 175 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur (Patna)/concerned Court, subject to the conditions as mentioned:

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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