

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71517 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- AKHODHIGOLA District- Rohtas

Jai Ram Sharma, Son of Late Vishwanath, Resident Of Village- Langeshar
Bigaha, P.S- Akodhigola, Dist- Rohtas (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 649 of 2022

Arising Out of PS. Case No.-156 Year-2020 Thana- AKHODHIGOLA District- Rohtas

Dharmdeo Sharma, Son of Jai Ram Sharma, Resident of Village - Langeshar
Bigaha, Police Station- Akodhigola, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71517 of 2021)

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

For the Opposite Party/s : Mr.Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 649 of 2022)

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

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Since both the petitions arise out of Akodhigola P.S.

Case No. 156 of 2020, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Akodhigola P.S. Case No. 156 of 2020, registered for the alleged offence under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, a raid was conducted on the house of petitioner-Jai Ram Sharma when police went for the search of the accused persons of Akodhigola P.S. Case No. 155 of 2020. From the house of the petitioner-Jai Ram Sharma, a country made rifle of 315 bore, a country made gun of 12 bore, two country made single barrel gas gun and nine used cartridges of 8 mm were recovered. The petitioner-Jai Ram Sharma was apprehended from the spot. The petitioner-Dharmdeo Sharma is the son of petitioner -Jai Ram Sharma and he was also arrested on the same day.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The true fact of the case is that all the accused persons of Akodhigola P.S. Case No. 155 of 2020 including the petitioners were arrested from their house itself, but there was no evidence against them and with a motive to justify the arrest of the whole family of the petitioners, the allegedly recovered arms were planted and the seizure list was



prepared in collusion with the informant of Akhodhigola P.S. Case No. 155 of 2020 and also the informant of the present case. The learned counsel further submits that the petitioners were already in police custody and the recovery has been made from the joint property. Learned counsel further submits that though Akhodhigola P.S. Case No. 155 of 2020 was registered earlier, the seizure list prepared in this case shows it has been prepared at 14:30 hours on 23.12.20 whereas seizure list of Akhodhigola P.S. Case No. 156 of 2020, i.e. the present case, has been prepared at 13:45 hours on 23.12.2020. This shows the fabrication by the police in collusion with informant of that case. Furthermore, the seizure list of this case has been prepared earlier, but it does not find mention in the subsequent seizure list. Learned counsel further submits that the charge sheet has been submitted in this case and the petitioners are in custody since 23.12.2020.

Learned APP opposes the prayer for bail submitting that recovery of firearms have been made from the house of the petitioners.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the period of



custody of the petitioners and submission of charge sheet, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Dehari-On-Sone, Rohtas, in connection with Akhodhigola P.S. Case No. 156 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

