

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1532 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

DILIP SHARMA Son of Shiv Bhajan Sharma Resident of Village- Karpi,
P.S.- Hussainabad, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 399, 402, 186, 353, 307, 411, 412, 413 and 414 of the Indian Penal Code and Section 25(1-b)a, 26, 27 and 35 of the Arms Act.

The case relates to recovery of one 7.65 mm Semi automatic pistol magazine attached with one live cartridge in chamber and five cartridges in attached magazine and one mobile phone from the possession of the petitioner.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that according to the F.I.R and seizure list, one 7.65 mm Semi automatic pistol along with one live cartridge in chamber and five cartridges in magazine are said to have been recovered from the possession of the petitioner but, in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Salaiya P.S. Case No. 47 of 2021 with the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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