

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11395 of 2023

Arising Out of PS. Case No.-950 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Indrajeet Kumar Jha @ Indrajeet Son of Late Kamal Kumar Jha Residetn of
Village - Pipra, Ward No.- 16, P.S.- Nagar, O.P.- Ratanpur, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Ms. Vaishnavi Singh,, learned counsel for the
petitioner and Ms. Gulnar Begum, learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nagar (Ratanpur OP) P.S. Case No. 950 of
2022, registered for the offences punishable under Sections
25(1-b)a, 26, 27 of the Arms Act.

The prosecution case is based on the written report of
the informant alleging therein that while the police personnel
were on patrolling duty they heard some sound of firing and in
order to verify they reached to the house of the petitioner. In
course of search, the petitioner was apprehended and from his
possession one loaded country made pistol along with fourteen
live cartridges were recovered. It is also alleged that from the



Varandha of the room one fired cartridge was also recovered. It is further alleged that in course of interrogation the petitioner disclosed that the weapon by which firing was resorted was thrown in the field, but the same could not be traced out.

Submission has been made on behalf of the petitioner that there was a family feud between the father and his three brothers and the building in which he resides belongs to the grandmother. The mother of the petitioner had purchased half of the land in her name from the grandmother of the petitioner through registered sale deed and this might be one of the reasons that the other coparcener were keeping grudge against the petitioner, whose father has already died seven years ago. Further submission has been made that the alleged recovered pistol was duly examined and from the ballistic report, it appears that the same is non-effective. It is next submitted that story of the prosecution of throwing the fire arms, from which firing was resorted, appears to be baseless as no another fire arms has been recovered from the field. It is also submitted that there is no eyewitness to the alleged occurrence and the seizure list witnesses are non-else but the police personnel, apart from the fact that the petitioner having fair antecedent. Fairly stated that earlier the petitioner was accused in Town P.S. Case No. 43



of 2020 in which the petitioner has already been acquitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that several cartridges along with pistol has been recovered from the possession of the petitioner and police personnel also heard the sound of firing.

Regard being had to the submissions made on behalf of the parties and considering the fact that the ballistic report suggests that the arms which is said to have been recovered from the possession of the petitioner is non-effective, coupled with fair antecedent of the petitioner and his period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Nagar (Ratanpur OP) P.S. Case No. 950 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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