

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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HARI SHANKAR KUMAR S/O VISHWANATH PASWAN R/O Village-
Madhumalti, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Govindganj P.S. Case No. 454 of 2022 registered for the offence
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 30.08.2022.

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

6. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of firearms and



cartridges not appears to be made from conscious physical possession of this petitioner. It is submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels.. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. 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 already submitted, where petitioner is in custody since 30.08.2022, accordingly, above named petitioner is directed to be released on bail in connection with Govindganj P.S. Case No. 454 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“ (i) That the petitioner shall
not involve in similar nature of



offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

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

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

(Chandra Shekhar Jha, J)

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