

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47013 of 2023

Arising Out of PS. Case No.-463 Year-2020 Thana- GHOSI District- Jehanabad

Ran Vijay Sharma @ Lal Sharma @ Ran Vijay @ Ranvijay Lal, Son of Late Kamla Singh @ Kamla Sharma, Resident of village - Damaua, P.S. - Ghosi in the district of Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Ghosi P.S. Case No.463 of 2020 registered for the offences punishable under Sections 414, 420, 468, 386 read with 34 of the Indian Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 04.06.2023.

4. Allegation against the petitioner is to have in possession of two country-made pistols, one non-functional rifle and total cash of Rs.11,98,000/- alleged to be recovered from different rooms/house of the petitioner.

5. It is submitted by learned counsel that the



implication of this petitioner is appearing being father of co-accused, Niraj Sharma. It is submitted that alleged recovery of firearms and cash were made from the rooms/house of the petitioner, which is occupied by different family members and, as such, it can be said safely that alleged recovery of firearms was not made from conscious physical possession of this petitioner. It is also pointed out that compliance of Section 100(4) of the CrPC not appears to be followed regarding search of premises in present case. While travelling over argument, learned counsel submitted that the son of petitioner, namely, Niraj Sharma has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 30.11.2021 passed in Cr. Misc. No.51078 of 2021. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as firearms and other incriminating materials not



appears to be recovered from conscious physical possession of this petitioner rather same appears to be recovered from jointly occupied house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.06.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No.463 of 2020, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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