

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55111 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- KOTWALI District- Munger

Sita Ram Sah Son Of Late Bodhan Sah R/O Mohalla- Gulzar Pokhar, P.S.-
Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.04.2022 in connection with Kotwali P.S. Case No. 149 of
2022, F.I.R. dated 09.04.2022 for the offences punishable under
Sections 25(1)A, 25(i)(B), 26(I)(II), 30 and 35 of the Arms Act.

Recovery is of 180 live cartridges from the possession
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that all together 180 live cartridges have
been recovered from the possession of the petitioner. He further
submits that nothing has been recovered from the conscious



possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, noting has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No. 149 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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