

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62769 of 2022

Arising Out of PS. Case No.-584 Year-2022 Thana- BRAHMPUR District- Buxar

=====

Anand Sharma Son of Dhanilal Sharma R/o Village- Baruna, P.S.- Bagingola,
District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Brahampur (Nanijor) P.S. Case No. 584 of 2022, registered

for the offences punishable under Sections 414, 353, 307,

332, 333, 504, 506 and 34 of the Indian Penal Code and

Section 25(1-b) a, 26, 27, 35 of the Arms Act.

The prosecution case as emerges from the FIR is

that on 06.08.2022 at about 11.50 pm, police got

information that some miscreants are carrying liquor from

UP to Nainjor on boat. During the course of raid conducted

by the police, 6-7 unknown persons equipped with arms



started indiscriminate firing with intention to kill them. Consequently, two persons were caught by the police and after search, one loaded country-made pistol and six live cartridges were recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that nothing has been recovered from the conscious possession of the petitioner, rather, the alleged recovery has been made from the earth/open space. Investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 08.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Buxar in connection with Brahampur (Nanijor) P.S. Case No. 584 of 2022 **after framing of charge, if not already framed** on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

