

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64573 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- JHANJHARPUR District- Madhubani

SHIVAM KUMAR JHA Son of Nand Jha @ Nandan Jha Resident of Village-
Nagar Panchayat Jhanjharpur, Ward No.-05, P.S.- Jhanjharpur, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66641 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- JHANJHARPUR District- Madhubani

ANKIT KUMAR JHA @ ANKIT KUMAR Son of Subodh Jha @ Subodh
Narayan Jha Resident of Village - Nagar Panchayat, Ward No.- 10,
Jhanjharpur, P.S.- Jhanjharpur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64573 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Prasad, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 66641 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 25(1-b)a and 35 of the Arms Act.

The case relates to recovery of one country made pistol
from the waist of petitioner, Shivam Kumar.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that one country made pistol has been recovered from the waist of petitioner, namely, Shivam Kumar Jha. In fact, nothing has been recovered from the conscious possession of the petitioners rather the police has planted the same and shown the recovery from possession of petitioner, namely, Shivam Kumar Jha. Nothing incriminating has been recovered from the possession of petitioner, namely, Ankit Kumar Jha @ Ankit Kumar. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 16.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that both the petitioners carries one more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jhanjharpur P.S. Case No. 209 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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