

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68555 of 2022

Arising Out of PS. Case No.-441 Year-2022 Thana- RAMNAGAR District- West Champaran

RAVINDRA SHARMA S/O Late Banshi Sharma R/O Village- Nawgava, P.S-
Ramnagar, District- West Champaran (Bettiah), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.09.2022 in connection with Ramnagar P.S. Case No. 441 of
2022, F.I.R. dated 07.09.2022 for the offences punishable under
Sections 25(1-a), 23(1AA) and 26(ii) of the Arms Act.

Recovery of 315 Bore country made Rifle, 12 Bore
country half made gun and a big hander, Charkhi Bhathi 1, San
Machine 1, Bar, Heksa Bled 1, small and big file-4, Iron thin
Korara-1, Suma file-1, Sarshi, Iron Karara-2, Verma-02 Stairing
Pipe-02, Iron Topan-1 (small black nokia mobile set with Airtel
SIM) from the house 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 the allegation as alleged in the F.I.R. is false and fabricated and the name of the petitioner has been transpired on the basis of disclosure made by Raju Khan. He further submits that bare perusal of the seizure list it appears that the seizure list was prepared on 07.08.2022 itself and the present F.I.R. was instituted on 07.09.2022 and 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 07.09.2022.

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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 441 of 2022, G.R. No. 1564 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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