

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59392 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- GOH District- Aurangabad

Chhotu Sharma @ Shridhar Kumar S/o Late Gopal Sharma @ Late Gopal
Singh R/o Village Ajaan, P.S. Goh, District Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Kumaresh Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 25(1-B) a, 26 of the Arms Act in connection with Goh P.S. Case No.110 of 2024.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case, but then the said case was instituted on account of dispute relating to land. It is further submitted that in the instant case the petitioner came to be implicated falsely by the police with an allegation that a countrymade gun along with a *katta* and seven live cartridges were recovered from the house of the petitioner and the mother of the petitioner disclosed that arms and ammunition has been



brought by the petitioner and she does not have any valid documents to show with regard to the seized article.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant at the behest of his adversaries and then draws the attention of the court to page-13 of the anticipatory bail application which is the FIR and submits that from perusal of column-3(b), it would manifest that the information regarding the occurrence was received in the P.S. on 21.01.2024 at 17:10 PM and thereafter draws the attention of the Court to page-17 of the anticipatory bail application which is the seizure list and submits that from perusal of the seizure list it would manifest that the seizure was made on 21.05.2024 at 04:10 PM and on the seizure list the P.S. case finds mention i.e. Goh P.S. Case No.110 of 2024 dated 21.05.2024. It is thus submitted that if the police received the information on 21.05.2024 at 05:10 PM how come the seizure was prepared at 04:10 PM and on the seizure list the P.S. Case was also mentioned, which casts an aspersion on the case of the prosecution. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned APP opposes the anticipatory bail



application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No.110 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or not presenting himself as and when required, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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