

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1010 of 2024

Arising Out of PS. Case No.-454 Year-2022 Thana- GOVINDGANJ District- East
Champaran

=====

Janak Kumar Son of Muni Sah @ Munilal Sah @ Munni Sah Resident of
Village - Chapra Bahas, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-04-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Govindganj P.S. Case No. 454 of 2022 registered for

the offences under Sections 25(1-b)a, 26 and 35 of the

Arms Act.

3. The petitioner is named in the F.I.R. and is

in custody since 31.08.2023.

4. The allegation against the petitioner is to

have in possession of one country-made pistol alongwith



four live cartridges.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of disclosure as made by apprehended co-accused namely Hari Shankar Kumar, who has already granted bail by this Hon'ble Court through Cr. Misc. No. 23017 of 2023 vide order dated 14.07.2023. It is submitted that alleged recovery of firearms not appears to be made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as



mentioned above as name of petitioner surfaced in the present case on the basis of disclosure made by co-accused Hari Shankar Kumar, where *prima facie* no firearm appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 31.08.2023, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Govindganj P.S. Case No. 454 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the



petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

