

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44552 of 2017

Arising Out of PS.Case No. -140 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

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Basant Chauhan @ Raj Basant Chauhan, Son of Brahmdeo Chauhan,
resident of Village- Mohabatpur, P.S. Sherghati, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in Rafiganj P.S.
Case No. 140 of 2016 registered under Sections 25(1-b)a / 26 of
the Arms Act.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he was in possession of one
country made loaded pistol and one live cartridge. Learned
counsel submits that the petitioner is in custody since 20.11.2016
as after his arrest in the present case he was taken on remand in
two other cases, i.e., Fesar P.S. Case No. 33/2016 U/S 399, 402,
414 IPC and Section 25(1-b)a, 26, 35 of the Arms Act and in
Rafiganj P.S. Case No. 121/2016 U/S 395 IPC. In both the said
cases, he has been allowed bail. Prior to those cases, there was a



case of the year 2002 in which he was arrested and had been granted bail. Learned counsel submits that the petitioner has been falsely implicated and seizure list has not been prepared in accordance with law. There is no allegation of firing and the confessional statement of the petitioner was extracted by police applying force.

On the other hand, learned A.P.P. representing the State opposed the prayer for bail but considering the fact that the petitioner is in custody since 20.11.1016 and has already been granted bail in other cases, let the petitioner, namely, Basant Chauhan @ Raj Basant Chauhan, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 140 of 2016, subject to the conditions as laid down under Section 437(3) Cr.P.C. and further that one of the bailors shall be a family member and the petitioner shall put in appearance as and when required by the trial court and two consecutive defaults in putting appearance shall lead to cancellation of his bail bonds by the learned court below.

(Rajeev Ranjan Prasad, J)

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