

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50729 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

=====

Raushan Kumar @ Chhotu, Son of Kusheshwar Singh, Resident of Village-
Rasulpur Sohawan, Police Station-Bhagwanpur, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Narain Singh

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 142 of 2017 for offences punishable under Sections
25 (1-b)a/26 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information the police conducted raid and
some persons managed to flee away but the petitioner was
apprehended. On search from his possession one Katta loaded
with cartridge and one live cartridge was recovered. Accordingly,
a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that the seizure list has not been prepared in accordance with Section 100 Cr.P.C. as both witnesses were outsiders and not local people, charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 01.08.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 142 of 2017, subject to the conditions that:

- (i) Both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason



will entail cancellation of his bail bonds.

- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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