

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2291 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- CHAUSA District- Madhepura

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Bibhuti Jha @ Bibhuti Kumar Jha @ Shardanand Jha @ Bibhuti, aged about 30 years (M) Son of Navin Kumar Jha @ Navin Kumar Resident of village Madhukarchak PS- Bihariganj District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Chausa P.S. Case No. 259 of 2018** registered for the offence punishable under Sections 25 (1-B)a, 26 and 35 of the Arms Act.

Informant who is a police officer has alleged in his written complaint that on receipt of a confidential information that some miscreants have assembled to commit some grave crime, he along with other police personnel raided at the said place. On seeing the police party petitioner along with other FIR named accused tried to flee away but they were apprehended by the police and fire arms were recovered from their possession.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to ill



motive of local police. Nothing has been recovered from his possession. Petitioner has got no criminal antecedent and is in custody since 13.10.2018.

Considering the nature of allegation and recovery of one country made pistol with four live cartridges, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing Six months of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **S.D.J.M., Udakishunganj, District-Madhepura**, in connection with **Chausa P.S. Case No. 259 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court



below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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