

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13431 of 2019**

Arising Out of PS. Case No.-159 Year-2018 Thana- KANHAULI District- Sitamarhi

GAUTAM CHAUDHARY, aged 28 years, Male, Son of Vijay Chaudhary,
Resident of Village - Kachore, P.S.- Kanhauli, District – Sitamarhi
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Virendra Kumar, Adv.

For the Opposite Party : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 07-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 24.12.2018 in connection with Kanhauli P.S. Case No. 159 of 2018 for the offences alleged under Sections 399 and 402 of the Indian Penal Code and under Sections 25(1-b)A, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some miscreants are planning to commit crime, the police conducted a raid and apprehended four persons, including the petitioner. From the possession of three other co-accused country made pistol and live cartridges were recovered, but, no arms or ammunitions was recovered from the possession of the petitioner.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that just because he has been made accused in two more cases under the Arms Act, pending against him, he has been made accused in the case although no arms have been recovered from his possession, and no overt act has been alleged to have been committed. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that he does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the facts and circumstances, the nature of allegations and the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kanhauli P.S. Case No. 159 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, subject to the following conditions :

(i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his 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 learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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