

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69624 of 2019

Arising Out of PS. Case No.-504 Year-2019 Thana- KUDHNI District- Muzaffarpur

BASAWAN RAI Son of Shivchandra Ray Resident of Village- Dhodhi Ratan,
P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 06.08.2019 in connection with Kudhani (Fakuli O.P.) P.S.Case No.504 of 2019 for the alleged offences under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b), a, 26 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the recovery of one country-made pistol from the possession of the petitioner. The aforesaid recovery from the petitioner is denied and his signature has not been obtained on the seizure list. The charge sheet has already been submitted and there is no chance of tampering with the evidence. The petitioner has already suffered more than four months in custody. Co-accused Tulsi Rai, from whose possession a mobile phone was recovered, has been granted bail by this Court in Cr. Misc. No. 68836 of 2019. The petitioner claims clean antecedents.



4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-3rd (West), Muzaffarpur in connection with Kudhani (Fakuli O.P.) P.S. Case No. 504 of 2019, on the following conditions--

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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