

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17900 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- CHAORI District- Bhojpur

SATISH KUMAR S/o Ramayan Rai R/o village- Dulamchak, P.S.- Chauri,
District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2020 This application has been placed for

consideration by the order of the Hon'ble the Chief

Justice through virtual court proceeding.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner in the present case is seeking

regular bail in connection with Chauri P.S. Case No. 143

of 2019 registered for the offences punishable under

Sections 25(1-b)A, 26, 35 of Arms Act.

Learned counsel for the petitioner submits that

the petitioner is innocent and has been falsely

implicated in the present case. From bare perusal of the



FIR, it is apparent that no incriminating article has been recovered from the conscious possession of the petitioner. The country-made pistol is alleged to have been recovered from the house of his uncle not from the house of the petitioner. The petitioner is in custody since 18.10.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, wherein it is alleged that a country-made pistol and one live cartridge has been recovered lying under the pillow of the bed where the petitioner was sleeping with the co-accused and the contention is that there was no conscious possession of the petitioner as also that the seizure list witnesses in the case are the two SAP jawans and there is no independent witness of the seizure list and further that the petitioner has remained in custody in connection with this case since 18.10.2019, investigation against him is complete and there is no submission of learned APP for the State that the release



of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Chauri P.S. Case No. 143 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or



to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

