

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26207 of 2020**

Arising Out of PS. Case No.-255 Year-2019 Thana- BELA District- Sitamarhi

RAM PRAVESH CHAUDHARY S/o Ram Babu Chaudhary Resident of
Village- Mahuawa, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Md.Fahhimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-12-2020 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 Bela P.S. Case No. 255 of 2019
registered for the offences punishable under Sections 399, 402
of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the
Arms Act.

Learned counsel for the petitioner submits that the
Police on secret information reached at the given place then
some persons talking to each other started fleeing away on
seeing Police, then on chase made by Police four persons were
apprehended including the petitioner. The petitioner was found
in possession of one loaded country made pistol and two live
cartridges as also one mobile and cash of Rs. 1670/-.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the trial is not likely to be concluded in near future and the petitioner is in custody in connection with this case since 28.11.2019.

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

Having regard to the facts and circumstances of the case, wherein it is alleged that one country-made pistol and two live cartridges were recovered from the possession of the petitioner but he is in custody in connection with this case since 28.11.2019 and in the previous cases as stated in paragraph '3' of the present application he is said to be on bail and it is the contention of learned counsel for the petitioner that the petitioner is being falsely implicated, considering that the trial is not likely to be concluded in near future and the petitioner has remained in jail for over one year, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned C.J.M., Sitamarhi in connection with Bela P.S. Case No. 255 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, of 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that henceforth the petitioner shall keep on making attendance every month in Bathnaha



Police Station and his attendance shall be recorded by officer in charge of the said police station. If the petitioner fails to appear in the police station at least once in a month, the officer in charge of Bathnaha Police Station shall report the matter to the learned court below where the present case will be pending and then steps will be taken for cancellation of bail bond of the petitioner by the learned court below.

The application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

