

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87439 of 2019

Arising Out of PS. Case No.-593 Year-2019 Thana- BANKA District- Banka

ASHOK KUMAR CHAUHAN @ ASHOK KUMAR CHOUHAN, S/o Late
Sikandar Chauhan R/o village- Pathal Kudiya, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-01-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 353, 307/34 of the Indian Penal Code and Sections 25(1-b) A, 26, 27 and 35 of the Arms Act.

Allegation is recovery of one loaded country made pistol along with two live cartridges from possession of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case and nothing was recovered from his possession. Petitioner has got no criminal antecedent and is in custody since 24.08.2019.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant bail to the petitioner at this stage. Hence, the prayer for bail of the



petitioner is hereby rejected.

However, **after completing of 6 months in custody**, the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Banka (Barahat) P.S. Case No. 593/19 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)

Sanjay/-

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