

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13019 of 2021**

Arising Out of PS. Case No.-207 Year-2020 Thana- PATAHI District- East Champaran

BABAN SINGH S/O shiv Sagar Singh Resident of village - Bakhri, P.s. -
Patahi, District - East Champaran. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

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

2 17-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Patahi P.S. Case No. 207 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got information that one Baban Singh armed with pistol is creating nuisance at the house of Brajesh Kumar then the informant along with police team reached there and on seeing the police team accused person tried to flee away but he was apprehended. It is further alleged that on interrogation, he disclosed his name as Baban Singh and police recovered one loaded country-made pistol and five live cartridges from his possession.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the seizure of one loaded country-made pistol and five live cartridges is not in accordance with Section 100 Cr.P.C. The petitioner is in custody since 12.11.2020 having no criminal antecedent.

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 the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case, the seizure of the loaded pistol and five live cartridges is not in accordance with Section 100 Cr.P.C., the petitioner has got no criminal antecedent and has remained in jail in connection with the present case since 12.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that release of the petitioner at this stage in any way likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner on bail on furnishing of bail bonds 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., Motihari, East Champaran in connection with Patahi P.S. Case No. 207 of 2020, subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

