

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10839 of 2021**

Arising Out of PS. Case No.-284 Year-2020 Thana- CHHAURADANO District- East
Champaran

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DHARAMLAL RAI Son of Rajender Rai @ Rajender Ray Resident of
Village- Chanri, P.S.- Jitna, Distt- East Champaran, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Advocate.

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

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

2 14-06-2021 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 Chhouradano P.S. Case No. 284 of 2020 registered
for the offences punishable under Sections 399, 402 & 414 of the
Indian Penal Code, 1860 and Sections 25(1-b) a, 26 & 35 of the
Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story, on the basis of secret information a raid was
conducted by the police at a Orchestra Party near motor chowk in
Suresh Yadav's House. It is further submitted that eight accused
persons including the present petitioner were arrested on the spot and



three of them managed to escape. From the arrested accused persons namely Monu Kushwaha, Subash Kumar & Ajit Kumar Gupta @ Gulshan Kumar country made pistols with bullets and two motor-bikes were recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no seizure of arms and ammunition from the possession of this petitioner. The petitioner is in custody since 21.10.2020 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 this Court has noticed that there is no seizure of arms and ammunition from the possession of this petitioner, the petitioner has got no criminal antecedent and has remained in jail in connection with the present case for about eight months, co-accused similarly situated Jamaluddin Ansari (accused no. 7) has already been granted bail, this Court directs release of the petitioner above named 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 Mr. Sunil Kumar, learned Judicial Magistrate-1st Class, Raxaul, East Champaran in connection with Chhouradano P.S. Case No. 284 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'.

