

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16557 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- MORKAHI District- Khagaria

Rajaram Thakur, S/o Late Sukan Thakur, Resident of Village-Bharath, P.S.-
Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Morkahi P.S. Case No.108 of 2020 registered for the offence
punishable under Section 457 of the Indian Penal Code and
Section 25(1-b)a of the Arms Act.

It is alleged that the petitioner has entered the house
of the informant with an intention to commit burglary.

The allegation is of recovery of a country-made
pistol and two cartridges, which have been handed over by the
informant to the police.

Petitioner's counsel submits that on account of



trivial dispute between the petitioner and the informant, who are residents of the same village, the petitioner has been implicated in this case. The recovery is covered by Section 37 of the Arms Act and the petitioner has no criminal antecedents.

Further submission is that no burglary or any kind of theft has been committed even as per the allegations made in the FIR. On account of prosecution based on extraneous considerations, the petitioner is in custody since 28.10.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria, in connection with Morkahi P.S. Case No.108 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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