

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16624 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- NAYA RAM NAGAR District- Munger

NITYANAND CHAURASIYA @DABLU CHAURASIYA Son of Lakhandeo
Mandal Resident of Village - Baraichak Patam, P.S.- Naya Ram Nagar, Distt.-
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-11-2021 Let the defect(s), as pointed out by the Office, be

removed within four weeks of start of normal functioning of the

physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Naya Ram Nagar P.S. Case No.154 of 2020 registered for the

offence under Sections 25(1-b)a/26(i)(ii) and 35 of the Arms Act

and 17 of the UAP Act.

As per prosecution case, altogether 55 pieces of

cartridges have been recovered form the possession of the

petitioner and other accused persons.

Learned counsel for the petitioner submits that the



petitioner has committed no offence and he has falsely been implicated in this case on the basis of suspicion. He further submits that at the time of raid no arms have been recovered from the possession of this petitioner. He further submits that there is no compliance of Section 100 of the Cr.P.C. He further submits that getting advantage of arrest of some persons in Haveli Kharagpur P.S. Case No. 233 of 2020, the petitioner was also implicated in the same case by the police. He further submits that charge-sheet has already been submitted and petitioner is in custody since 05.10.2020.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Munger in connection with Naya Ram Nagar P.S. Case no. 154 of 2020 with following conditions:-

(i) 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) 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.

(iv) 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.

(Rajesh Kumar Verma, J)

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