

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28538 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- BARHAT District- Jamui

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1. JAGO KARO Son of Huro Kora Resident of Village - Mushari Tand, P.S. - Sono, District - Jamui
 2. Tallu Ray @ Baladev Ray Son of Tuno Rai Resident of Village - Gurmaha, P.S. - Sono, District - Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners, who are in custody since 27.11.2020,
seek bail in connection with Barhat P.S. Case No. 152 of 2020,
for the offence punishable under Section 25(1-B)a,26 and 35 of
the Arms Act.

The prosecution case, in brief, is that on 27.11.2020, a
motorcycle was search from which one country made loaded
pistol was recovered from the possession of Jago Kora
(Petitioner No.1), who disclosed the name of Tallu Rai
(Petitioner No.2) as pillion rider.



Learned counsel appearing on behalf of the petitioner submits that petitioners are quite innocent and they have falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioners and the petitioners have no criminal antecedent as such they deserve to be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that from the very perusal of the F.I.R. it appears that the area from which the petitioners were apprehended is naxal affected area and as such the petitioners do not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case and allegation made in the F.I.R. the period of custody of the petitioners, it is directed that the learned Court below after verifying the criminal antecedent of the petitioners and on being satisfied that there is no other criminal case is pending against the petitioners, the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Barhat P.S. Case No. 152 of 2020 subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioners shall give their attendance to the local Police Station on every Friday of the week.

(Purnendu Singh, J)

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