

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32533 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- BANIAPUR District- Saran

SHAMBHU RAI Son of Chandrma Rai Resident of Village- Hansrajpur, P.S.-
Baniyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-12-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

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

Petitioner seeks bail in connection with Baniyapur
P.S. Case No. 217 of 2020 registered under Sections 25(1-B)a,
26 and 35 of the Arms Act.

One loaded country-made pistol has been
recovered from the petitioner.

It is submitted by the petitioner's counsel that



based on such recovery, he has remained in custody since 14.07.2020. In respect of the antecedents, counsel submits that petitioner was implicated in Baniyapur P.S Case No. 209 of 2020 which was a case lodged regarding murder of relative of the *Mukhiya*. In view thereof, he has subsequently been implicated in three more cases other than the instant case, and in all the earlier cases, he is on bail. He denies and disputes the recovery. The same is not in accordance with law.

Learned APP 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court concerned/successor court in Baniyapur P.S. Case No. 217 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.

(Madhuresh Prasad, J)

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