

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33894 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- MUNGER MUFFASIL District- Munger

SANTU CHAUDHARY S/o Sevak Chaudhary Resident of Village- Terasi
Pirphar, Taufir, P.S.- Munger, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Muffasil P.S. Case
no. 239 of 2020 registered for the offence punishable under
section 25(1-AA), 25(1-B)a, 26(1)(2) and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.10.2020 and charge sheet has
been submitted. Learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the FIR, it would
manifest that the informant alleges that three country made
pistols with one live cartridge were recovered from this
petitioner. He further submits that petitioner has been falsely
implicated by the informant merely he has three antecedents as
mentioned in para 3 of bail petition.



Learned APP opposes the prayer for bail and submits that petitioner is habitual offender as three cases have been instituted against him.

Considering the facts that petitioner is in custody since 18.10.2020 and charge sheet has been submitted, the petitioner is directed to 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 the Chief Judicial Magistrate, Munger in Muffasil P.S. Case no. 239 of 2020 with condition that till charges are not framed, petitioner would mark his attendance on 15th of every month in the concerned police station commencing from December, 2021, in the event, it is reported by the police station to the learned court below that petitioner on any of 15th of any of the month has not marked his attendance in the police station then the learned court below would be at liberty to cancel his bail bond.

At this stage learned counsel for the petitioner submits that after this case was instituted, petitioner came to be implicated in Muffasil P.S. Case no. 240 of 2020 and the same is pending adjudication before this Hon'ble court as such petitioner would not be in a position to comply with the condition imposed in the present order as presently, the petitioner may not be



released in Muffasil P.S. Case no. 240 of 2020 before 15th December, 2021. The aforesaid condition will remain but compliance of condition will start from 15th of the subsequent month i.e. by way of example if bail is granted in December, 2021 in the said case, the compliance of condition in the present case will commence from 15th January, 2022.

The application is allowed with modified condition.

(Satyavrat Verma, J)

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