

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45454 of 2021**

Arising Out of PS. Case No.-173 Year-2020 Thana- SIKARHATTA District- Bhojpur

JAY PRAKASH BHAGAT @ DHANOJ PAL S/o Godhan Bhagat Resident of
Village- Chanda, P.S.- Sikrahata, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sikrahata P.S. Case No. 173 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

One country made pistol and one empty cartridge are said to have been recovered from a lane situated between the house of petitioner and one Nand Kumar Paswan.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. It is further



submitted that from the FIR/seizure list it appears that one country made pistol and one empty cartridge have been recovered from the lane situated between the house of petitioner and co-accused Nand Kumar Paswan. As a matter of fact, no incriminating article has been recovered from conscious possession or house of the petitioner. Petitioner is in custody since 13.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Additional Chief Judicial Magistrate-8th, Bhojpur at Ara in connection with Sikrahata P.S. Case No. 173 of 2020, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. 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)

shahzad/-

U		T	
---	--	---	--

