

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37553 of 2020

Arising Out of PS Case No.-50 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Balwant Singh, aged about 28 years, Male Son of Prabhunath Singh, All Resident of Village- Dahiyawan Tola Tari, PS- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Vijay Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Chapra Muffasil PS Case No. 50 of 2020 dated 01.02.2020, instituted under Sections 399, 402, 412 of the Indian Penal Code and 25(1-B)(a), 26 and 35 of the Arms Act, 1959.

3. The allegation against the petitioner and others is that on seeing the police, they tried to run away but were caught and from the petitioner, there is recovery of one countrymade pistol, one live cartridge and one mobile.



4. Learned counsel for the petitioner submitted that he was not caught while committing any crime and even the recovery shown has been planted by the police. It was submitted that he has criminal antecedent but the same is of many years ago and that too, he has been falsely implicated in those cases. Learned counsel submitted that the petitioner is in custody since 01.02.2020. Learned counsel submitted that the Court may impose strict conditions for release which he shall abide by.

5. Learned APP submitted that the petitioner was caught with firearms.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Chapra Muffasil PS Case No. 50 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory



provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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