

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37912 of 2020**

Arising Out of PS. Case No.-327 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

SANTOSH KUMAR Son of Jagannath Sahani Resident of Village- Jagai
Majhauri, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Parasmani, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Bochahan Police Station
(for brevity, PS) Case No 327 of 2019 dated 13.09.2019
instituted for the offence punishable under Sections 414/34 of
Indian Penal Code and Sections 25 (1-b) a, 26, 35 of Arms Act.

On raid of the petitioner's house, it is alleged that
three persons including the petitioner started fleeing away but
all of them were apprehended by the police. From the
petitioner, there is alleged recovery of one loaded country made
pistol and one live cartridge.

It is submitted by the petitioner's counsel that
recovery is in contravention of the mandatory procedure. The



petitioner has falsely been implicated in this case and is in custody since 13.09.2019. The petitioner has two antecedents and it is submitted that in Bochahan PS Case No 326 of 2019, he is already on bail whereas in Bochahan PS Case No 303 of 2019, his prayer for bail is pending consideration.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XIV, Muzaffarpur in Bochahan PS Case No 327 of 2019 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.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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