

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7106 of 2021**

Arising Out of PS. Case No.-42 Year-2020 Thana- AZIMABAD District- Bhojpur

1. SONA DHARI CHAUDHARY @ BHUAR CHAUDHARY S/o-
Rampravesh Chaudhary Resident of Village- Bargaon Naridieh Tola, P.S.-
Azimamabad, Distt- Bhojpur at Ara
 2. Ramanand Chaudhary @ Timki S/o Sant Kumar Chaudhary Resident of
Village- Bargaon Naridieh Tola, P.S.- Azimamabad, Distt- Bhojpur at Ara.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shanker Prasad Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-04-2021 Heard learned counsel for the petitioners and Mr. Uma
Shanker Prasad Singh, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Azimabad P.S. Case No. 42 of 2020 registered for the offences punishable under Section 37(B)(C) of Bihar Prohibition and Excise Amendment Act 2018 and 25(1-b)a/26/35 Arms Act. Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioners submits that as per the prosecution story, one loaded country made arm (Katta) has been recovered from the Petitioner No. 1 namely Sona Dhari Chaudhary @ Bhuar Chaudhary and four live cartridges have been recovered from Petitioner No. 2 Ramanand Chaudhary @ Timki.

Learned counsel submits that the petitioners are innocent



and have falsely been implicated in the present case. It is further submitted that there is no recovery from the possession of the petitioners. The petitioners are in custody in connection with the present case since 24.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that these petitioners were allegedly found in drunken condition and it is alleged that from possession of petitioner no. 1 one loaded country-made arm (Katta) has been recovered whereas four cartridges have been recovered from the possession of Petitioner No. 2, they have remained in custody in connection with this case since 24.10.2020, investigation against them is complete and prior to this case they had no criminal antecedent, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Excise Bhojpur at Ara, in connection with Azimabad P.S. Case No. 42 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the



commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

