

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9021 of 2021

Arising Out of PS. Case No.-286 Year-2020 Thana- ATRI District- Gaya

Upendar Chaudhary @ Upa Chaudhary Son of Suresh Chaudhary, resident of village- Chakra, P.S- Atri, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Smt. Pushpa Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021 In view of sudden surge of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Atri P.S. Case No. 286 of 2020 registered for offence punishable under sections 25(1-b)a/26/35 of the Arms Act.

The police have allegedly gone to arrest the petitioner in connection with Atri 284 of 2020 for the alleged offence



under the Excise Act. It is alleged that from the cot on which he was found sleeping at his home a country made pistol and two live cartridges have been recovered.

Petitioner's counsel submits that the entire allegation of recovery of fire arms is false. There is no seizure list prepared in accordance with law and petitioner is in custody since 18.08.2020. Recovery of fire arms is denied and disputed and the petitioner is on bail in other two cases pending against him.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named 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 learned Additional Chief Judicial Magistrate-XIII, Gaya in Atri P.S. Case No. 286 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit 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.

(Madhuresh Prasad, J)

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