

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10485 of 2021**

Arising Out of PS. Case No.-493 Year-2020 Thana- KAHALGAON District- Bhagalpur

JAWAHAR RAI S/O Late Manohar Rai Resident Of Mohalla - Rai Tola
Shyampur, P. S. - Kahalgaon, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

4 13-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner Mr. Tapeswar Sharma, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Kahalgaon P.S. Case No. 493 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act. He is in custody since 12.8.2020.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is stated that from his possession one country made pistol and one live cartridge have been recovered. It is submitted that the seizure

list has been prepared by police in complete disregard to the provisions of Section 100 Cr.P.C. It is stated in the FIR that many villagers had assembled on the alleged place but no one of them were ready to become witness. Learned counsel submits that only two constables of the raiding party have been made seizure list witness in this case. As regard to eight criminal antecedent stated in Paragraph-3 learned counsel submits that petitioner is on bail in some of the cases while his prayer for bail in some other cases are still pending.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case in which one country made loaded pistol and one live cartridge is said to have been recovered from the possession of the petitioner but the seizure list witnesses are the members of the raiding party, petitioner has remained in custody since 12.8.2020 and investigation against him is complete, this Court directs release of the petitioner on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 493 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 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.

And further condition that during pendency of trial he will keep on reporting the SHO of the Kahalgaon Police Station within whose jurisdiction the petitioner is residing at least once in two months with his complete address and mobile number

and in case he is required to go outside the jurisdiction of the police station in connection with any employment etc. he will keep on furnishing his complete address and contact number to the SHO. Violation of this condition shall invite action towards cancellation of bail and it will be the responsibility of the SHO to bring it to the notice of the court.

The application stands disposed of accordingly.

(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'.