

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12384 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- RAJEPUR District- East Champaran

Prem Rai Son of Late Hukum Ray Resident of Village - Saraiya, P.s.- Rajepur,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rajepur
P.S. Case No. 132 of 2021, registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.09.2021.

The allegation against the petitioner is to have in
possession of one country made pistol.

Learned counsel appearing on behalf of the petitioner
submitted that the seizure list is disputed and, moreover, the
witnesses of the seizure list were not examined during the



course of investigation and their statement is not recorded under Section 161 of Cr.P.C. It is further submitted that similarly situated co-accused has already been granted bail by one of the Co-ordinate Bench of this Court through Cr. Misc. No. 5408 of 2022 dated 08.06.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the statement of witnesses in the seizure list were not recorded during the course of investigation.

Considering the facts and circumstances as mentioned above, as the seizure list is disputed and further petitioner is man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajepur P.S. Case No. 132 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned Court,



subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Gyanti Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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