

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20071 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- ITARHI District- Buxar

Rajendra Prasad Sahu @ Rajendra Prasad Sah S/o Late Jodhan Sah R/o
village- Adpha, P.S.- Koran Sarai, Distt.- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Itarhi P.S. Case No. 01 of 2022 (GR NO. 01 of 2022) lodged
under Sections 25(1-B) A/26/35 of the Arms Act.

The prosecution case is that in the night of 31.12.2021
police has intercepted three persons on motorcycle including the
petitioner, upon search a countrymade pistol and three live
cartridges were recovered from his possession.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He is an
army personnel and law abiding person. He further submits that
the recovered arm was reported by sergeant major as ineffective
and, therefore, the said arm shall not fall under the category of



2(c) and 2(e) of the Arms Act, therefore, he deserves bail. He further submits that his bail application was rejected by the Trial Court, only on the basis of assumption made by the Court below that shows the intention of petitioner while carrying illegal arms or motorcycle. He is in custody since 31.12.2021 and charge sheet has already been filed in this case.

Learned counsel for the petitioner further submits on the point of criminal antecedent that he is declared absconder in the said case and for that his bail petition is already pending before this Court. He further submits that he is ready to file his affidavit or any undertakings whatever it may be that he shall present and cooperate in the trial under any circumstances.

Learned counsel for the State opposes the prayer for bail and submits that in earlier case his attitude was extremely non-cooperative, as a result of which he become declared absconder in that case which is apparent from the order of Lower Court.

Considering the facts and circumstances and submissions made above this case, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties and one shall be close relative of the like amount each to the satisfaction of Shri



Hamza Alam, learned J-M-1st Class, Buxar in connection with Itarhi P.S. Case No. 01 of 2022, subject to the condition as laid down under Section 437(3) of the Cr.P.C.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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