

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29573 of 2021

Arising Out of PS. Case No.-399 Year-2020 Thana- CHHATAUNI District- East Champaran

Ajay Thakur, aged about 27 years, Son of Shyam Narayan Thakur, Resident
of Village - Chiraiya Durga Mandir, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Chhatani P.S.
Case No. 399 of 2020 registered for the offences punishable
under Sections 25(1-B) (a), 26, 35 of the Arms Act.

As per the prosecution four live cartridges were
recovered. On the disclosure of the petitioner three live
cartridges and one empty magazine was recovered from the
motorcycle.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case. He further submits that as per the FIR as well as seizure list four live cartridges were recovered from the possession of the petitioner and on the disclosure of the petitioner three live cartridges and one empty magazine was recovered from the motorcycle. Learned counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner rather the police has planted the same and shown the recovery from the possession of the petitioner. Petitioner is in custody since 21.10.2020.

Learned Additional Public Prosecutor opposed the prayer for bail and submitted that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhatauni P.S. Case No. 399 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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