

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23909 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- ALOULI District- Khagaria

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Ramjatan Sada, Son of Gango Sada, R/o Village- Baikha Musahari, P.S.-
Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Indrajit Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Alauli P.S. Case No. 363 of 2021 registered for
the offences punishable under Sections 25(1-b)a/26 of the Arms
Act.

As per the prosecution case, it is alleged that the
police on a secret information that some persons are involved in
selling of arms, raided the house of the petitioner and on search
being made two country made pistols were recovered form his
house.



It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery has been made from a joint family house wherein several persons resides, however, only on account of his one past criminal antecedent, his name has been implicated in the present case. It is next submitted that there is no independent witness to the seizure list, apart from other irregularities. It is lastly submitted that the petitioner is in custody since 03.10.2021, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that two loaded country made pistols were recovered from the house of the petitioner, apart from the fact that he has criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from the joint family house and moreover the petitioner is in custody since 03.10.2021 and the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria



in connection with Alauli P.S. Case No. 363 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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