

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25331 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

RICKY CHAUDHARY Son of Ramkishun Chaudhary Resident of Village -
Badki Sarimpur, P.S. - Industrial Area, Buxar, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Brajesh Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sasaram (m) P. S. Case No. 133 of 2021
registered for the offences punishable under Sections 414 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

As per the prosecution case, it is alleged that the
police on receipt of an information with regard to looting a



tractor started making vehicle checking and in course thereof, some miscreants including the petitioner, who were coming on two motorcycles apprehended. It is further alleged that on search one country-made pistol and one live cartridge have been recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner rather only on account of past criminal antecedent of the petitioner, he has been made accused in this case. It is next submitted that there are other infirmities in the preparation of the seizure list in as much as, there is no independent witness to the same. Learned counsel for the petitioner last submits that the petitioner is in custody since 07.04.2021 and after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended by the police and the recovery of arms has been made from his possession. It is also submitted that the petitioner has multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the period of custody as



also the other materials on record, let the petitioner, above named, 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 Chief Judicial Magistrate, Sasaram in connection with Sasaram (m) P. S. Case No. 133 of 2021, subject to the condition that one of the bailors will be the close relative 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 step for cancelling 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.

(Harish Kumar, J)

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