

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25936 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- OBRA District- Aurangabad

Raushan Vishwakarma, Son of Late Devraj Vishwakarma Resident of Village
- Noaao, P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Obra P.S. Case No.278/2021 instituted under Section 25(1-
AA)b/26 of the Arms Act.

As per the allegation in the FIR, the informant who is
a police officer has alleged that on 15.11.2021, on secret
information, they raided the house of the petitioner herein and
recovered/seized a cache of arms. As the petitioner failed to
provide any document concerning the said recovery, the same
were seized and he was taken into custody.

Learned counsel for the petitioner submits that the
allegation cannot be attributed to him inasmuch as the same is a



joint property being owned by the other family members. He further submits that although the police said to have recovered/seized such huge number of arms from the said house, there is no independent witness to the said occurrence and it is the police constables who have become witness thus putting a question mark on the alleged recovery/seizure. He lastly submits that the petitioner is in custody since 15.11.2021 (as stated in para-10 of the bail application).

Taking into account all the aforesaid facts including the fact that the petitioner is in custody since 15.11.2021, the charge sheet stands submitted, this Court is inclined to grant him privilege of bail after the framing of the charges with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Obra P.S. Case No.278/2021 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of Trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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