

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26759 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- RAGHOPUR District- Vaishali

Umesh Rai Son Of Late Raja Rai R/O Village- Rustampur Tin Pairiya, P.S.-
Raghopur (RUSTAMPUR O.P.), District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 None appears on behalf of the petitioner on call.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 25(1-b) a, 26,
35 of the Arms Act in connection with Raghopur (Rustampur
O.P.) P.S. Case No. 30 of 2021.

As per the prosecution story, it is alleged that the
police upon confidential information, raided the house of
Umesh Rai, the petitioner herein and it is further alleged that
when they tried to apprehend, some miscreants escaped from the
place in the cover of darkness. On search made from the house
of Umesh Rai (the petitioner herein), two country made rifles
and one 'Katta' were recovered/seized. Accordingly, seizure list
was prepared.



As per the averment made in the bail application, it is a joint house and not the exclusive property of the petitioner and it is not the case of the police that anything has been recovered from his conscious possession.

As per the petition, the petitioner is in custody since 4.2.2022 and has no criminal antecedent.

Taking into account the fact that recovery is from the joint house, the petitioner has no criminal antecedent and nothing has been recovered from his conscious possession as also the fact that he is in custody since 4.2.2022, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have any criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Raghapur (Rustampur O.P.) P.S. Case No. 30 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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