

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27227 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- MOKAMAH District- Patna

JAGDAMBI RAY S/o Late Baleshwar Ray R/o village- Kanhaipur
Ghaghariya Tola, Ward No. 01, P.S.- Mokama, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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 Mokama P.S. Case No.
370 of 2021.

As per the allegation in the FIR, the police upon
secret information raided the house of the petitioner herein and
it is alleged that in a box kept below the stairs, a country made
rifle was recovered/seized and in view of the fact that no
document was produced he was taken into judicial custody.

Learned counsel for the petitioner submits that it is
a joint house and the recovery is from a box below the stairs



which was an open place and as such recovery cannot be attributed to him. He further submits that in any case he has suffered a lot by being in jail since 19.11.2021 despite the fact that he has no criminal antecedent.

Considering the fact that he is in custody since 19.11.2021, has no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. If however, it is found that he do have 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 Additional Chief Judicial Magistrate, Barh, in connection with Mokama P.S. Case No. 370 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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