

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32066 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- NTPC District- Patna

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RAMESH CHAUDHARY SON OF RAM BRIKSH CHAUDHARY R/O
VILLAGE- DAYALCHAK, P.S.- N.T.P.C., DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under sections 25(I-b)a and 26 of the Arms Act.

As per allegation on a tip off, the police apprehended the
petitioner and from possession of this petitioner one country made
pistol and three live cartridge is stated to have been recovered.

The main submissions advanced by Sri Ashok Kumar
Kashyap, the learned counsel appearing for the petitioner are that
nothing was recovered from the possession of the petitioner as there
is no independent witness of the alleged occurrence and petitioner
has been languishing in jail since 10.1.2022 and charge sheet has
been submitted against the petitioner.

Sri Ram Naresh Ray, learned APP appearing for the State



has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list attached to the FIR. FIR goes to show that alleged recovery of firearm was made by police personnel and there is no independent witness of the alleged occurrence and petitioner has been languishing in jail since 10.1.2022 and as per petitioner's counsel charge sheet has been submitted and total witnesses are official witnesses who are to be examined during trial.

Considering these facts, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Tiwari, Judicial Magistrate, Ist Class, Barh, Patna/ concerned court in N.T.P.C. P.S Case No. 03 of 2022 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of N.T.P.C. P.S Case No. 08 of 2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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