

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33881 of 2022

Arising Out of PS. Case No.-333 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

GUDDU PASI @ GUUDU CHOUDHARY Son of Munni Pasi @ Munni Choudhary Resident of Village - Auraiya, P.s.- Kudra, Distt.- Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 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 section 399, 400, 402,
307 and 353 of the Indian Penal Code and 25(1-B)a, 26, 27 and
35 of the Arms Act, in connection with Kudra P.S. Case No. 333
of 2020.

As per the FIR, the police in order to nab the
criminals undertook a truck ride and in the process were able to
accordingly apprehend the accused persons. Two of them
managed to flee and they were Bharosi Ram and the petitioner
herein.



The further statement of the police in the FIR is that from those who were apprehended a country made pistol and live cartridges as also missed cartridges were recovered/seized.

Learned counsel for the petitioner submits that his name has come in the confessional statement and there is no recovery from his conscious possession and has been implicated only because he has criminal antecedent.

Per contra, the learned APP submits that he has number of criminal cases of the same nature against him and as such his implication cannot be overruled.

Considering the aforesaid facts as also that he is in custody since 19.2.2022 and has criminal antecedent, this Court is inclined to grant him the privilege of bail after framing of charges.

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 A.C.J.M.-VI, Kaimur at Bhabua, in connection with Kudra P.S. Case No. 333 of 2020 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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