

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34672 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- DEWARIA District- Muzaffarpur

Bhola Chaudhary @ Chandan Chaudhary, Son of Late Bashistha Chaudhary,
Resident of Village - Bangara Muza , P.s.- Deoria, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Deoria P.S. Case No. 24 of 2022 registered for the alleged offences under Sections 25(1-b)a and 26 of the Arms Act.

As per prosecution case, on a tip off a raid was conducted on the house of the petitioner and from the possession of the petitioner, a loaded country made pistol with one live cartridge were recovered.

The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Allegedly, recovered firearm and ammunition are plantation by the police. The petitioner is in custody since 22.02.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made on behalf of the parties and further considering the period of his custody along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Deoria P.S. Case No. 24 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Khushbu Sinha, sister of the petitioner, who has sworn the affidavit in this case.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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