

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36766 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Lalan Alias Lalla Alias Julmi Son Of Ganesh Das R/O Village- Samrath
Chowk Tatma Toli Ward No.-24, P.S.- K.Hat (MARANGA), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with K. Hat (Maranga) P. S. Case No. 43 of 2022 registered for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the police, on a secret information with regard to quarrel amongst some persons, reached at the place of occurrence and



apprehended the petitioner. On search, one loaded country-made pistol and one live cartridge were recovered from his possession.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of the petitioner rather on account of past criminal antecedent, his name has been implicated in this case showing the recovery of the pistol from his possession. It is also submitted that there is no compliance of Section 100 of the Cr.P.C. apart from the other infirmities in the preparation of the seizure list. It is further submitted that so far the other criminal cases are concerned, the petitioner is on bail in all other cases and moreover, in connection with the present case, he is in custody since 14.01.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended with fire-arms and he is having multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 14.01.2022 and after completion of the investigation, charge sheet has been submitted, let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Maranga) P. S. Case No. 43 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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