

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37019 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- CHHATAUNI District- East Champaran

Bigu Singh @ Baibhav Kumar Singh Son Of Anil Kumar @ Anil Kumar
Singh R/O Village- Ganga Pipar, P.S.- Chiraiya, Distt.- East Champaran At
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Chhatauni P.S. Case No.385 of 2021 instituted under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the FIR, the informant who was assigned the
law and order duty, upon information that a person has been
caught with the allegation of theft of motorcycle reached Pooja
Pandal where the accused gave his name as Sahbaz Mahmad
and upon search, countrymade pistol with live cartridge as also
the master keys of the motorcycle was recovered/seized. He in
his confession named this petitioner as his accomplice.



Accordingly, he was also made accused in the FIR.

Learned counsel for the petitioner submits that he is in custody since 10.02.2022 and his name has come only on the basis of confessional statement of accused Sahbaz Mahmad and has been implicated only because he has criminal antecedent.

Considering the fact that he is in custody since 10.02.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail subject to certain conditions in view of the fact that six criminal cases has been lodged against him.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Chhatauni P.S. Case No.385 of 2021 to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, subject to following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his bail



by the Trial court itself;

(iii) the petitioner shall leave the district (East Champaran at Motihari) for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) 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)

Prakash Narayan /-

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