

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38024 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- JAYNAGAR District- Madhubani

=====

Birbal Kumar @ Birbal Saday @ Birbal Kumar Sadai S/O Ram Prasad Saday,
Resident Of Village- Narpati Nagar, P.S.- Sakri, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jaynagar P.S. Case No. 39 of 2022 lodged under Section 414 of
Indian Penal Code read with section 25(1-b)a and 26 of the
Arms Act.

As per prosecution, the recovery of one *desi* loaded
pistol alongwith one live cartridge and other mobile etc. were
made from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner's antecedent is clean and he is in custody since
14.02.2022 in this case. He further submits that there is a gross

violation of section 100 of Cr.P.C. and defective seizure list has been prepared. He further submits that informant himself become a witness in the seizure list.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 39 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--