

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53988 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- PUNAURA District- Sitamarhi

Umesh Chaudhary Son of Late Ram Sewak Chaudhary Resident of Village -
Kachaur, P.s.- Kanauhli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prasad Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 21-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Punaura P.S.Case No. 82 of 2021 for the offences
punishable under Sections 399 and 402 of the Indian Penal
Code and 25 (1-B) a, 26/35 of the Arms Act.

As per the prosecution case, it is alleged that on
19.05.2021 while the police party was on patrolling duty on
getting secret information that some criminals are assembled to
commit crime, they rushed to the spot and on seeing the police
party they succeeded to flee away but two persons were
apprehend by the police and from possession of petitioner, one



country made pistol and two live cartridges were recovered.

It is submitted on behalf of the learned counsel for the petitioner that nothing has been recovered from possession of the petitioner and recovery has been made from different place but only to implicate this petitioner recovery has been shown from his possession. It is further submitted that there is no compliance of provisions prescribed under section 100 of the Cr.P.C. Apart from other infirmity in seizure list which also creates doubt. It is next submitted that investigation has already been concluded and the charge sheet has been submitted in this case. The petitioner is in custody since 20.05.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that country made pistol with two live cartridges were recovered from conscious possession of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner is in custody since 20.05.2021. Moreover, investigation has concluded and charge sheet has been submitted that there is no chance of absconding of the petitioner and tampering with the evidence, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties



of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S.Case No. 82 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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