

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47519 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Ashish @ Raushan Bind S/o Bishundeo Mahto Resident of Village- Belthu,
P.s.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Jagdishpur P.S. Case No. 97 of 2022 lodged under Sections
25(1-b)a, 26 & 35 of the Arms Act.

As per prosecution case, the present case has been
filed under Arms Act. Petitioner is named in the F.I.R. alongwith
other 2 accused persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He
specifically submits that the present case has been filed due to
the violation of the Arms Act and it transpires from the seizure

list that arms has not been recovered from the possession of petitioner, rather it is being recovered from the possession of one Nandu Kumar. He further submits that it is true that Rs.7,25,000/- has been recovered from the possession of petitioner but he also submits that for the said recovery a case of *dacoity* has been separately filed being Shakhund P.S. Case No. 96 of 2022 under Section 394 of I.P.C. He further submits that petitioner is in custody since 16.03.2022 and charge sheet has already been filed in this case. He also submits that there are two criminal cases pending against the petitioner and out of two cases, in one case he is on bail and in another case he is persuading for bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this 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, Bhagalpur in connection with Jagdishpur P.S. Case No. 97 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 he 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.)

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