

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64301 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- BARAUNI RAIL P.S. District- Begusarai

CHAMARU BIND, S/o Jawahar Bind, Resident of Simariya Bind Toli, P.S.-
Barauni (Chakiya O.P.), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Gautam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-01-2022 Learned counsel for the petitioner undertakes to

remove the defects as pointed out by the Stamp Reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.

Sanjay Kumar Tiwary, learned APP for the State.

The petitioner in the present is seeking regular bail in

connection with Barauni Rail P.S. Case No. 17 of 2020

registered for the offences punishable under Section 25(1-b)a,
26, 27 of the Arms Act. The petitioner is in custody since
06.02.2020.

Earlier the petitioner was granted bail in Cr. Misc. No.
27287 of 2020 but because he had not stated correctly the
criminal antecedents, his bail bond was not accepted by the



learned court below. A fresh application has been filed stating in paragraph '3' that the petitioner has got nine criminal antecedents and out of that in eight cases, he has been granted bail.

So far as the present case is concerned, it is alleged that he was caught while stealing away the Railway properties. The submission is that it is a case of false implication and recovery has been made falsely from the possession of the petitioner. He is in custody since 06.02.2020.

Although, Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but from the report of the learned court below it appears that this case is still fixed for charge and the court is vacant since 17.12.2019, thus, it appears that the petitioner has remained in custody for almost two years and the charge has yet not been framed against him as the court is lying vacant, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni Rail P.S. Case No. 17 of 2020, subject to the conditions as laid down under Section 437(3) of the



Cr.P.C.

And further condition that 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 cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

