

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64516 of 2021**

Arising Out of PS. Case No.-213 Year-2021 Thana- KESARIA District- East Champaran

CHHOTE LAL RAI Son of Late Kishun Rai Resident of Village - Sundrapur
Malahi Tola, P.S.- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in a case registered for the offence under Sections 394 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The brother of the informant is said to have been inflicted gun shot injury on the protest being made by him while the miscreants were snatching golden ornaments from him. The miscreants are stated to have been fled away leaving the pistol on the place of occurrence.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but merely on the basis of disclosure made by the co-accused, Dhanai Mian, he has been made accused in this case. Save and except the disclosure of the co-accused, no cogent material has come against the petitioner during course of investigation. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. The petitioner is rotting in judicial custody since 14.07.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kesariya P.S. Case No. 213 of 2021 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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