

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56330 of 2022

Arising Out of PS. Case No.-333 Year-2022 Thana- RAJAON District- Banka

JITAN SAH S/O BINOD SAH Resident of Village- Tekani, P.S.- Rajoun,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 25(1-b)a, 26,
35 of the Arms Act, in connection with Rajoun P.S. Case No.
333 of 2022.

As per the prosecution story, the police upon
information intercepted some persons, as they tried to escape
alongwith the motorcycle, they were apprehended and gave
their names as Kaju Yadav, Nitish Yadav, Jitan Sah (petitioner
herein) and Rohit Kumar Yadav. Further upon search from
Nitish Kumar and Kaju Yadav, a country made revolver and
cartridges were recovered. However, from the petitioner herein



and Rohit Kumar Yadav nothing was recovered. All of them being in close company, they were taken into custody, FIR lodged and accordingly, sent to jail.

Learned counsel for the petitioner submits that despite the fact that there was no recovery from him, he has been implicated in this case only because he has criminal antecedent and is in custody since 14.7.2022 (as stated in para-7 of the bail application).

Learned APP appearing on behalf of the State has opposed the prayer for bail.

Considering the fact that there is no recovery from his side, is in custody since 14.7.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with condition in view of the fact that he has five criminal cases against him.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajoun P.S. Case No. 333 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district (Banka) for a period of three months after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he/she will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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