

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1400 of 2022

Arising Out of PS. Case No.-710 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

JYOTISH KUMAR THAKUR @ JYOTISH THAKUR Son of Ram Prakash Thakur @ Ram Pragash Thakur Resident of Village- Muneshwar Chowk, Jandaha, P.S.- Jandaha, District- Vaishali. At present rented at Umesh Cinema Road, P.S.- Town Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the state.

The petitioner seeks regular bail in connection with Sadar P.S. Case No. 710 of 2021 registered for the offences punishable under Sections 414, 399 & 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

As per prosecution report, there is an allegation of recovery of one loaded country made katta along with two live cartridges of 0.315 bore has been recovered from the possession of said petitioner.

Learned counsel for the petitioner submitted that



petitioner is languishing in jail since 10.08.2021 and it has further been submitted that date of occurrence is on 08.08.2021 and F.I.R. lodged on same vary day but the said F.I.R. has been sent to the court below on 10.08.2021, after delay of two days. Indicating the violation of 172(I) of the Cr.P.C and it has further been submitted that from the perusal of seizure list itself the date of time of seizure list is 08.08.2021 at 22.20 P.M. but the information of F.I.R. is on 08.08.2021 at 23.25 P.M. showing the violation of Section 172 Cr.P.C and seizure list was also prepared by not following the statutory requirement of Section 100 (4) of Cr.P.C. Petitioner bears one criminal antecedent in one case in which he is on bail.

The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, in connection with Sadar P.S. Case No. 710 of 2021, Subject to following condition:-



(i) The petitioner shall be released after framing of charge.

(ii) One of the surety shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(iii) Petitioner shall co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned trial court itself.

(Alok Kumar Pandey, J)

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