

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9463 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- JAMUI District- Jamui

RAJESH ROY SON OF RAM LAGAN ROY @ RAM LAGAN RAVAT R/O
VILL.- DEGHOYE, P.S.- JAMUI, DISTT.- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 22.09.2022, in connection with Jamui P.S. Case No. 494 of 2022, F.I.R. dated 22.09.2022, registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act.

Prosecution story is that on patrolling duty, two persons were arrested while they were trying to flee away and from search being made, a loaded pistol with .315 bore and from motorcycle wherein there is a bag, another countrymade pistol was recovered and from the pocket of the petitioner, Rs.5,000/-, driving license and mobile were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that it appears from the F.I.R. as well as seizure list that a loaded pistol, motorcycle bearing Registration NoBR-46J-8184 and in a bag country-made pistol was recovered from the possession of the petitioner and from the pocket Rs. 5,000/- and mobile and driving license also recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that there is non-compliance of Section 100 of the Cr.P.C. and police after investigation submitted chargesheet and the petitioner is in custody since 22.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 494 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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