

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11933 of 2023

Arising Out of PS. Case No.-913 Year-2022 Thana- MAJHAULIA District- West Champaran

SANJAY PRASAD S/o Sri Shambhu Prasad R/o Village- Nautan, Pandey
Tola, P.S.- Nautan, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Majhaulia
P.S. Case No. 913 of 2022 dated 20.11.2022 registered for the
offence under Sections 399, 402, 413, 414/34 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country
made pistol along one live cartridge and one mobile phone.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. and
the seizure list that one loaded country made pistol along with
one cartridge have been recovered from the conscious possession
of the petitioner. He further contends that, in fact, nothing



incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eleven more case other than the present one.

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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 913 of 2022 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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