

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21555 of 2022**

Arising Out of PS. Case No.-224 Year-2021 Thana- BELDOUR District- Khagaria

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DHOLAN CHAUDHARY Son of Jhapti Chaudhary Resident of Village -
Rohiyama, P.s.- Beldaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2023 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 A.P.P. for the State.

The petitioner seeks bail in connection with

Beldaur P.S. Case No. 224 of 2021, G.R. No. 3135 of 2021

registered for the offences punishable under Sections 25(1-B)a /

26 of the Arms Act.

As per prosecution case, there is alleged recovery

of two country made katta as well as two live cartridges from

the house of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 01.10.2021 and bears criminal

antecedent of eight cases where in seven cases he stands



acquitted by the trial court. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that seized place was open place and same was accessible to any person. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Khagria in connection with Beldaur P.S. Case No. 224 of 2021, G.R. No. 3135 of 2021, subject to following conditions:-

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



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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