

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23998 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SAKRI District- Madhubani

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Amit Nayak @ Raj, aged about 26 years, Male, son of Om Prakash Nayak,
resident of village- Adalpur Muria, P.S- Sadar Darbhanga, Dist- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sakri
PS Case No.10 of 2023 dated 26.01.2023, instituted for the
offence punishable under Sections 25(1-b)a, 26 of the Arms Act.

3. The prosecution case, in short, is that while the
informant, who is the Station House Officer of Sakri PS, was on
patrolling duty on Republic Day, he got information that a boy
was standing in suspicious condition beneath Sakri bridge. He
reached at the spot. On seeing the police, the boy tried to flee
away but he was apprehended and from his possession one
loaded countrymade pistol and three live cartridges were
recovered.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and nothing has been recovered from his conscious possession. He has been arrested only on suspicion. Learned counsel further submitted that the seizure list was not prepared as per the provision of Section 100 Cr. P. C. The petitioner is in custody since 27.01.2023. Charge-sheet has been submitted in the case and four criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Madhubani, in Sakri PS Case No.10 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar



nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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