

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27567 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

LAV PATEL S/o Amar Singh R/o Village-Sion, P.S.-Bhabua, District-Kaimur
at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 09.12.2022 in connection with Bhabhua P.S. Case No. 302 of 2022, F.I.R. dated 12.05.2022 registered for the offence punishable under Sections 25(1-B)a,26 of Arms Act.

3. The case relates to recovery of one country made pistol from the place of occurrence.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner and as per allegation in the FIR, the petitioner has thrown the arms in question and ran



away from the place of occurrence but later on he was apprehended by the police and it appears from the seizure list that one country made pistol was recovered from the place of occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.12.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, 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, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 302 of 2022, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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