

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29182 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- ALOULI District- Khagaria

Rahul Sharma S/O Late Ravindra Sharma, R/O Village- Ahuna, P.S.- Allouli
(Bahadurpur), Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-06-2023 Let the defect, if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Allouli P.S. Case No. 14 of 2023 dated 18.01.2023 lodged under
Sections 25/1-AA/26(i)(ii)/35 of Arms Act.

4. As per the prosecution, F.I.R. has been lodged
against three named and two unknown accused persons. The
allegation is that the police upon secret information reached at
the specified place where five persons were present but they all
fled away from the place of occurrence and subsequently upon
information provided by *chowkidar*, the name of the petitioner
and other have figured in this case and the articles relating to

preparation of arms were recovered by the police.

5. Learned counsel for the petitioner submits that the petitioner has not been apprehended from the place of occurrence and nothing has been recovered from his possession. Counsel further submits that from the content of F.I.R., it is clear that there is a gross violation of section 100 of the Cr.P.C. and defective seizure has been prepared. Counsel further submits that the place of seizure is the *Chour* of Bhusan Sah. He further submits that the petitioner is in custody since 20.01.2023 and there is one criminal case pending against him in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Allouli P.S. Case No. 14 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J.)

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