

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35741 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- ITARHI District- Buxar

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Jhabar Choudhary Son of Late Surnath Chaudhary @ Late Suryanath Chaudhary, Resident of Village- Surtapur Milki, Saisar, Dhansoi, PS- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), 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 Itadhi P.S. Case No. 102 of 2023 dated 18.04.2023, lodged under Sections 25(1-b)a, 26 & 35 of the Arms Act, 2012.

4. As per prosecution case, three persons were apprehended on a raid made by the Police. From the possession of the present petitioner recovery of mobile and cash of Rs.6,000/- has been made.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 19.04.2023, having one criminal

case pending against him in which he is on bail and chargesheet has already been filed in this case. He further submits that the case has been lodged under arms act but no arms has been recovered from the possession of petitioner rather the arms has been recovered from the possession of co-accused Pawan Chaudhary.

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner is the member of criminal gang.

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, Buxar in connection with Itadhi P.S. Case No.102 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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