

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51800 of 2022

Arising Out of PS. Case No.-162 Year-2020 Thana- MADANPUR District- Aurangabad

Sudin @ Sudina Chauhan @ Bulli Chauhan S/O Ramnarayan Noniya
Resident of village- Jamua, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-01-2023 This case is listed for hearing out of turn on account of mentioning that the wife of the petitioner is seriously ill and there is none to take care of her and her minor children.

Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Madanpur P. S. Case No. 162 of 2020, registered for the offences punishable under Sections 25(1-b) a, 26 and 35 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that when the informant with his police team went on



patrolling, he saw some persons standing near a petrol pump. Thereafter, he tried to catch them but they fled away, throwing one live cartridge, one red black Bajaj Discover Motorcycle and one mobile phone. Then, seizure list of the recovered articles was prepared.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery of the arms has not been made from the conscious possession of the petitioner and case against the petitioner is based only on the basis of suspicion. He further submits that investigation in this case is complete and charge-sheet has already been submitted. However, he is not aware of the fact that charge has been framed or not.

He further submits that the petitioner has been languishing in jail since 18.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in 8 other cases, but in all these cases, he is on bail.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge, Aurangabad, in connection with Madanpur P. S. Case No. 162 of 2020, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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