

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53173 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- KOILWAR District- Bhojpur

CHHOTU MISHRA @ CHANDAN MISHRA Son of Jai Prakash Mishra
Resident of village - Anand Nagar, P.S. - Ara Town, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-04-2023 Learned counsel for the petitioner is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks bail, who is in custody since 11.07.2021 in connection with Koilwar P.S.Case No.310 of 2021, F.I.R. dated 10.07.2021 registered for the offence punishable under Sections 25(1-b)a,26 of Arms Act.

The case relates to recovery of one country made pistol and four live cartridges from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR as well as the



seizure list that one country made pistol and four live cartridges have been recovered from possession of the petitioner. Learned counsel for the petitioner further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more cases other than the present one but fairly submits that out of ten cases, petitioner is on bail in eight cases and rest two cases are pending for consideration, as mentioned in para-2 of the supplementary affidavit.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail **after framing of the charges, if not framed**, 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, Ara in connection with Koilwar P.S.Case No.310 of 2021, with the following conditions:-

(1) 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.

(2) 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.

(3) 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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