

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58915 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- MATIHANI District- Begusarai

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GOPAL CHOUDHARY @ PREM SAHANI SON OF KAPIL CHOUDHARY @ KAPIL SAHANI R/O MOHALLA- GANDHI NAGAR, P.S.- AGAMKUA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 24-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 24.12.2021, in connection with Matihani P.S. Case No. 160/2021, F.I.R. dated 23.12.2021, for the offences punishable under Sections 414 of the Indian Penal Code and Sections 25(1-B) a, 26, 35 of the Arms Act.

According to prosecution case, one country made pistol along with six live cartridges and cash of Rs. 2 lac have been recovered from the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner was arrested



in the present case on 19.12.2021 and he was produced before the learned court below on 24.12.2021. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol along with six live cartridges and cash of Rs. 2 lac have been recovered from possession of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and other co-accused, namely, Md. Kalim has been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 39039/2022, other co-accused namely, Ranjeet Kumar has been granted bail vide order dated 14.10.2022, passed in Cr. Misc. No. 39574/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.12.2021.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 13 criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail, after framing of charge, 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 the Sri



Rajeev Kumar, Judicial Magistrate 1st Class, Begusarai, in connection with Matihani P.S. Case No. 160/2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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