

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63733 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- ROSHANGANJ District- Gaya

Uday Chaudhari Son Of Satendra Chaudhari R/O Vill.- Lemboiya, P.S.-
Roshanganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The case relates to recovery of two country made
pistols and ten live cartridges from possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner falsely been implicated in the present case.
Further submits that on the basis of the confessional statement
of co-accused, namely, Chhotu Chaudhary @ Dhananjay
Chaudhary, the recovery has been made from possession of the
petitioner. Further submits that it transpires from the FIR as well
as seizure list that two country made pistols and ten live
cartridges have been recovered from possession of the



petitioner. Further submits that there is non-compliance of Section 100 of the Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Roshanganj P.S. Case No. 109 of 2022, 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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