

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69575 of 2023

Arising Out of PS. Case No.-493 Year-2023 Thana- TAJPUR District- Samastipur

AWADHESH THAKUR @ AVDHESH THAKUR Son of Late Ramraji
Thakur R/o vill - Repura Ward no. 10, P.S. - Tajpur (Waini O.P), Distt. -
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tajpur (Waini O.P) P.S. Case No. 493 of 2023 registered on
01.09.2023 lodged under Sections 25(1-b)(a), 26, 35 of the
Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons including the petitioner
with allegation that there is recovery of country made pistol and
live cartridges from the possession of the petitioner.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that the said
recovery is not been made from the possession of the petitioner.



Petitioner submits that from the content of the F.I.R. it is very much clear that the police has reached at the house of the petitioner and enquired about the room of the accused Golu Thakur. The petitioner who is the father of the Golu Thakur identified the room of the Golu Thakur, then police entered in the room from which said recovery has been made. Counsel further submits that petitioner is in custody since 02.09.2023 having clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that from the allegation it is true that recovery has been made from the room of the Golu but the said recovery has not been made from the possession of the petitioner.

6. 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 Additional Chief Judicial Magistrate-1st, Samastipur in connection with Tajpur (Waini O.P) P.S. Case No. 493 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

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

(Dr. Anshuman, J)

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