

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68593 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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Madan Ram Son Of Golu Ram @ Gonaur Ram R/O Village- Jahangirpur
Math Tola, P.S.- Shyampur Bhataha, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
11.08.2022 in connection with Shyampur Bhataha P.S. Case
No.144 of 2022, F.I.R. dated 11.08.2022 registered for the
offence punishable under Sections 414,411/34 of IPC and
Sections 25(1-B)(a),26,35 of the Arms Act.

The prosecution case, in brief, is that the informant
along with police personnel raided the house of the co-accused-
Awadhesh Rai and recovered one country made pistol with two
live cartridges from under the bed. Accordingly, the seizure list
has been prepared in accordance with law.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent and he has falsely been implicated in the present case. The name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person-Guddu Ram. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and on the basis of the disclosure made by co-accused person, the arms has been recovered from possession of co-accused-Awadhesh Rai and except the disclosure of the co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the disclosure made by co-accused person and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned A.C.J.M., Sheohar in connection with Shyampur Bhataha P.S. Case No.144 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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