

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71003 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- BANGARA District- Samastipur

Saroj Ram Son, Of Late Satrughan Ram R/O Mohalla/ Village- Chak
Bhikhari, P.S.- Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bangra P.S. Case No. 48 of 2023, lodged on 21.04.2023 under
Sections 26/35/25 (1-B)(a) of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons including the present
petitioner and from the FIR, it transpires that one loaded country
made pistol, one live cartridge and one mobile phone have been
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that the name of the petitioner has figured in this case
under a conspiracy. Counsel submits that only thing against the



petitioner is that he has criminal antecedent and there are 7 cases pending against him in which in all the cases, he is on bail. He further submits that the petitioner is in custody since 21.04.2023 and charge sheet has already been submitted in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of granting bail to the petitioner, the criminal antecedents of the petitioner may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with Bangra P.S. Case No. 48 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(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.

(Dr. Anshuman, J.)

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