

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9843 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- SRINAGAR District- West Champaran

Salman Rai S/O Late Maulvi Rai, Village- Balua Rai Tola, PS.- Sri Nagar,
Distt.- West Champaran (Bettiah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Aditya Nath Jha, the learned counsel for
the petitioner and Mr. Tarun Prasad Mandal, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Shri Nagar PS Case No. 63 of 2023, FIR dated
25.05.2023, registered for the offences punishable under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, the petitioner and
his son used to wave fire-arms in their village to create an
atmosphere of fear. It is further alleged that during raid at
petitioner's house, one country made pistol and two live
cartridges were recovered while two persons managed to flee.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that upon perusal of the FIR, it appears that one country made pistol and two live cartridges were recovered from the house of the petitioner and the son of the petitioner namely, Sahbaz Rai was arrested and the petitioner has been made accused in the present case only because petitioner is the owner of the house in question. He further submits that petitioner has no concern at all with the alleged recovery and there is non-compliance of Section 100 of Cr.P.C.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is non-compliance of Section 100 of Cr.P.C., let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bettiah, West Champaran, where the case is pending in connection with **Shri Nagar PS Case No. 63 of 2023**, subject to the conditions as laid down under Section



438(2) of the Cr.P.C. and also the following conditions:

(i). 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.

(ii). 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.

(iii). 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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