

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51665 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- Chiraiya District- Saharsa

Nagina Chaudhary, Son Of Late Jhamlal Singh @ Jhamlal Chaudhary,
Village- Kaanti, Ps- Chiraiya, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Chiraiya P.S. Case No. 05
of 2024 registered for the offence punishable under Sections
25(1-B)a/26 of the Indian Penal Code.

3. The police on a confidential information raided the
place of occurrence and apprehended the petitioner. On search
from possession of the petitioner one country made pistol and
live cartridge was recovered.

4. Learned Advocate appearing on behalf of the
petitioner drawing the attention of this Court to the seizure list
contended that the name of the seizure list witnesses have been



disclosed in the FIR but surprisingly during the course of investigation their statements have not been recorded, which smacks *malafide*. It is thus contended that in fact on account of past criminal antecedent of the petitioner, which runs in seven in number, the name of the petitioner has been implicated without there being any recovery. Be that as it may, now the petitioner has been incarcerated since 24.03.2024 and now the investigation of the crime is complete and the chargesheet has been submitted. Moreover, the crime in question is triable by the Magistrate.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the factum of crime being triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Saharsa in connection with Chiraiya P.S. Case No. 05 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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