

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56354 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- AAYAR District- Bhojpur

1. Prem Chandra Singh @ Prem Chand Singh S/O Ram Tapasya Singh @ Ramtapshya Singh R/O Village- Kusumha, P.S.- Ayar, Distt.- Bhojpur.
2. Rajesh Singh S/O Late Tilak Singh R/O Village- Kusumha, P.S.- Ayar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Ayar P.S. Case No. 16 of 2024, registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. In course of patrolling, the police intercepted Alto car in which the petitioners were found seated. On search, one loaded country made pistol and two live cartridges were recovered from the possession of the petitioner no. 1, whereas, from the possession of the petitioner no. 2, ten live cartridges were recovered.

4. There is total denial of the allegation levelled in the FIR. Learned Advocate for the petitioners contended that the



car belongs to the petitioner no. 1, however, only on account of some suspicion, the name of the petitioners have been implicated in this case, showing the recovery of the arms and cartridges. The seizure list witnesses are none else but the police personnel and, as such, there is no compliance of Section 100 of the Cr.P.C. The false implication of the petitioner no. 1 is owing to his criminal antecedent, as has been mentioned in paragraph no. 3 of the bail application, so far petitioner no. 2 is concerned, he is having fair antecedent. Moreover, the petitioners are in custody since 13.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the arms and ammunitions have been recovered from the conscious possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the crime, in question, is triable by the Magistrate, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ayar P.S. Case No. 16 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 petitioners will cooperate in conclusion of the trial.

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

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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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