

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59214 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- SAHPUR District- Bhojpur

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Ram Lakhan Rai son of Late Baidya Nath Rai @ Baijnath Rai Village-
Suremanpur, - Shahpur (Bahoranpur OP), Dist -Bhojpur Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 11-12-2024

Heard the parties.

2. The petitioner seeks bail in connection with Shahpur P.S. Case No. 131 of 2023 for the offence punishable under Section 25(1-b)a/26 of the Arms Act, on 31.03.2024 by the informant, Abhay Shankar Singh.

3. As per the prosecution story, the police upon information that during cutting of the wheat, the accused persons are moving with arms and ammunition. It reached and apprehended this petitioner with country made loaded pistol and nine live cartridges. This led to the FIR/arrest.

4. It is the case of the petitioner that because of his criminal antecedent, the police went on implicating him, this case is one of them. Further, he is in custody since 01.04.2024 and if granted bail, he shall be leaving the District for three months so that the police could not implicate him and will provide the details of the place of residence and shall be presenting himself before the concerned police station or stay.



The further submission is that in case, he is involved in any such future criminal act, the prosecution shall be free to take immediate steps for cancellation of his bail bond. The last submission is that he is ready to diligently appear in the trial.

5. Learned APP opposes the prayer submitting that he is involved in a number of criminal cases which reflect from paragraph-3 and in one such case, his bail application already stands rejected.

6. Considering the submissions put forward by the parties as also the fact that he is in custody since 01.04.2024, there is no likelihood of conclusion of the trial in near future, he himself has undertaken to leave the District for three months, also will diligently appear in trial, this Court, in that background, is inclined to extend him the privilege of bail.

7. If, however, he indulges in the same criminal activity, the prosecution shall take immediate steps for cancellation of his bail bond.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM 1st, Bhojpur at Ara in connection with aforesaid P.S. Case subject to the following conditions:



(i) one of the bailors should be the family member/relative 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 bond by the Trial Court itself;

(iii) the petitioner shall present himself at the police station (of his place of stay for three months) every fortnight and upon return to his district, shall present himself before the Shahpur PS for next nine months every fortnight.

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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