

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67038 of 2024**

Arising Out of PS. Case No.-178 Year-2023 Thana- RAJNAGAR District- Madhubani

Md. Jahak @ Md. Janak Son of Channu Sheikh Village- Gausnagar, Ps-
Rajnagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-09-2024 Heard Mr. Vikash Kumar Jha, the learned counsel

for the petitioner and Mr. Ram Naresh Ray, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 02.07.2024, in connection with Rajnagar P.S. Case No.
178 of 2023, FIR dated 06.07.2023, registered for the offences
punishable under Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Learned counsel for the petitioner submits that
the petitioner has been granted anticipatory bail in Cr. Misc.
No. 81945 of 2023 vide order dated 24.01.2024 and accordingly
the petitioner has furnished a bail bond and learned Court below
has accepted the bail bond of the petitioner and after sometime
the learned court below has found that the petitioner has
concealed his criminal antecedent and then the bail bond of the
petitioner was cancelled vide order dated 01.04.2024. He further
submits that when the petitioner knows about it, he had



surrendered before the learned Trial Court on 02.07.2024. He further submits that nothing has been recovered from his possession rather the recovery has been made inside the garage and owner of the garage has named three persons including the petitioner. He further submits that another co-accused persons have been extended the privilege of anticipatory bail vide order dated 14.12.2023 passed in Cr. Misc. Nos. 79561 of 2023 and 79744 of 2023.

4. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that despite having the knowledge, the petitioner had not surrendered in time and apart from that the petitioner has two cases other than the present one but fairly submits that out of two cases, petitioner has been acquitted in one case.

5. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Rajnagar P.S. Case No. 178 of 2023, subject to the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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