

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71865 of 2024

Arising Out of PS. Case No.-679 Year-2022 Thana- BIHTA District- Patna

Sri Rai @ Sri Niwas Rai @ Niwash Rai Son of Late Kamat Rai Resident of
Village - Amnabad, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned A.P.P.

for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 25(1-b)a, 26, 35 of Arms Act.

3. As per the FIR, two gun/rifle, eight cartridges etc. were recovered from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. The allegation against the petitioner is not specific rather general and omnibus in nature. It is further submitted that



there is no allegation of tampering the witness against the petitioner and charge has been framed on 23.08.2024. The petitioner has 9 criminal antecedent as mentioned in para 3 of the bail application and he is under custody since 05.02.2024.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of this case and the fact that charge has been framed against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Bihta P.S. Case No. 679 of 2022 with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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