

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2055 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- CHIRAIYA District- East Champaran

Subh Narayan Ram Jaga Ram Vill.- Misrauliya, P.S.- Chiraiya, Dist.- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar Vill.- Misrauliya, P.S.- Chiraiya, Dist.- E. Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 382 of 2023, lodged on 10.08.2023 under Sections 399/402 of the Indian Penal Code read with sections 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 5 named accused persons including the present petitioner. The allegation made in the FIR is that upon raid, the police party tried to apprehend the accused persons in which one person was caught namely Guddu Ray and other four persons were fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner has not been apprehended from the place of occurrence and one country made pistol and four



live cartridges have been recovered from the possession of apprehended person namely Guddu Ray. Counsel further submits that there are three criminal cases pending against the petitioner in which, in two cases, the petitioner is on bail and in one case, he is persuading for bail.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 19.09.2023. Counsel also submits that charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in paragraph five of the rejection order, it has been specifically alleged that recovery of loaded country made pistol has been made from the possession of the petitioner of this case.

7. Upon going through the seizure list as well as from the contents of the FIR, it transpires that the present petitioner has not been apprehended from the place of occurrence, rather, his name was disclosed by the apprehended accused person and therefore, the finding of the Sessions Court do not appears to be true.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 382 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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