

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89831 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- CHHATAUNI District- East Champaran

Dev Prakash Sah @ Jai Lal Sah (Mukhiya) S/o- Late Rajaram Sah Village -
Bada Bariyarpur, P.S.- Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 23-06-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a and 26 of Arms Act. Petitioner has five criminal antecedents.

3. As per the prosecution case, an information was received during the patrolling that the petitioner had kept arms and therefore a raid was conducted and one country-made revolver with six live cartridges and three misfired cartridges were recovered from the petitioner.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such recovery as alleged in the FIR has been made from the conscious possession of the petitioner. It has further been



submitted that merely because the petitioner carries criminal antecedents, he has been falsely implicated in this case. It has lastly been submitted that the petitioner has five criminal cases against his name and he is in custody since 08.08.2024 in the present case.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner carries criminal antecedents and he was apprehended with a loaded country-made revolver and hence he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the parties and taking into account the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatauni P.S. Case No. 321 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below 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 court below 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, East Champaran, Motihari within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail.



After reporting to the Superintendent of Police, a certificate will
be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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