

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39018 of 2018

Arising Out of PS. Case No.-575 Year-2017 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Chandan Chaudhary, S/o Suryadeo Choudhary @ Suraj Chaudhary, Resident
of Village- Koluha Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party : Mr. Shantanu Kumar, APP 136

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-09-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 30.12.2017, seeks bail in connection with Kanti P.S. Case No. 575 of 2017 for offences alleged under Sections 399, 400, 402, 413 and 414 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some criminals are preparing to commit loot in Women Jivika Samooh, when the informant reached the place of occurrence they found four motorcycles on which some persons were riding. On seeing the police while the accused persons on two motorcycles managed to flee away, two motorcycles were intercepted and four accused persons, including the petitioner, were apprehended. On search,



from the possession of the petitioner one country made pistol, one live cartridge and one mobile were recovered, accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and did not bear any criminal history, but, after the present case he was remanded in two more cases of similar nature. He, further, submits that he was arrested from his house and not from the place of occurrence, but, has been falsely implicated because of the high handedness of the police. He, further, submits that the provision of Section 100 of the Criminal Procedure Code has not been followed while preparing the seizure list and that charge sheet has already been submitted and there is no allegation of tampering of the prosecution witness.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kanti P.S. Case No. 575 of 2017 to the satisfaction of the learned Subdivisional Judicial



Magistrate, West, Muzaffarpur, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of is bail bonds.

(Nilu Agrawal, J)

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