

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1683 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- BAKHTIARPUR District- Saharsa

CHANDAN KUMAR RAY Son of Rajendra Ray Resident of Village-
Kathuar, P.S.-Nauhatta (Darhar O.P.), District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Bakhtiyarpur P.S. Case No. 401 of 2019 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has been made victim of police atrocities after showing recovery of two cartridges from the dickey of the petitioner. It is further submitted that the petitioner is the owner of the motorcycle and no firearm has been recovered from possession of the petitioner. The petitioner has no criminal antecedent and is in custody since 24.10.2019.

Learned APP for the State has opposed the prayer of regular bail of the petitioner.



Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that it is a case of false implication of the petitioner by putting two cartridges in dickey of the motorcycle which was in possession of the petitioner, there is no recovery of firearm from possession of the petitioner and that the petitioner has no criminal antecedent as also he is in custody since 24.10.2019 and the motorcycle belongs to the petitioner and it is not a stolen motorcycle, let the petitioner above named be released on bail in connection with Bakhtiyarpur P.S. Case No. 401 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any Police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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