

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13633 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- BARAUNI District- Begusarai

Chandan Kumar, S/O Late Bhubneshwar Mahto @ Guna Mahto, R/O Village-
Ulao, P.S-Begusarai Muffasil (Singhaul O.P) District-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 10-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Barauni
P.S. Case No.334 of 2020 registered for the offence punishable
under Section 414 of the Indian Penal Code and Sections 25(1-
b)a, 26, 35 of the Arms Act.

The police have lodged an information, that they
were assigned investigation of Teghra P.S.Case No.348 of 2020.



The petitioner has been arrested in course of investigation of the said case as being one of the suspects and from his possession one loaded country made pistol has been recovered.

Learned counsel for the petitioner submits that in the F.I.R, Teghra P.S. Case No.348 of 2020 appears to have been inadvertently mentioned. The same should actually be Teghra P.S. Case No.247 of 2020. Having said so, he prays that Teghra P.S. Case No.347 of 2020 mentioned in paragraph 6 of the bail application may also be read as Teghra P.S. Case No.247 of 2020, as the said paragraph suffers from inadvertent typographical error. Such prayer of the petitioner is allowed.

It is submitted that for recovery of one loaded country made pistol, the petitioner has remained in custody since 01.09.2020. He has no connection with Teghra P.S. Case No.247 of 2020. Case diary has been considered by the learned court below in the order of rejection. From perusal of the same, it is apparent that no stolen article of Teghra P.S. Case No.247 of 2020 has been recovered from the petitioner. His implication is based on suspicion.

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

Considering the rival submissions, this Court is



inclined to allow the petitioner's prayer for bail.

Accordingly, 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 of C.J.M., Begusarai, in connection with Barauni P.S. Case No.334 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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