

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25470 of 2021

Arising Out of PS. Case No.-690 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Chandan Kumar @ Chandan Kumar Chaurasiya, aged about 20 years, Son of Late Vishwanath Chaurasia Resident of Village - Alamganj, P.S.- Sasaram (Town), Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-11-2021 The petitioner who is in custody since 18.10.2020 seeks bail in connection with Sasaram (Town) P.S. Case No. 690 of 2020 registered for the offences punishable under sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act and Section 4/5 of the Explosive Substances Act.

The prosecution case in brief is that the S.H.O. of Sasaram Town P.S. stated that on 17.10.2020 during the course of patrolling at about 3:15 p.m. he received a secret information that miscreants have assembled at the door of Krishana Kahar @ Challu Kahar and other persons with intent to commit dacoity, a raid was conducted and six persons including the petitioner was apprehended on the spot and arms and



ammunition was recovered from their possession.

It is submitted on behalf of the petitioner that no arms and ammunition has been recovered from the possession of the petitioner rather the same has been recovered from other co-accused. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that no case under Arms Act is made out against the petitioner. The petitioner has clean antecedent and languishing in custody since 18.10.2020 without any fault. He also submits that the petitioner should be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer of bail of the petitioner and submits that the petitioner was one of the members of the gang who were making a plan to commit dacoity and the seizure list would also suggest that arms and ammunition as well as prohibited firearms were also recovered from the possession of the co-accused and as such the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and rival submissions made by the parties, the petitioner, though, apprehended at the spot, nothing was recovered from the conscious possession of the petitioner and he has clean



antecedent, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 690 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

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