

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10489 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- KAUWAKOL District- Nawada

CHANDAN KUMAR S/o Haricharan Prasad R/o village- Bhuyal Tand, P.S.-
Kawakole, District- Nawada Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kawakole P.S. Case No. 72 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-b)A/26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got information that three criminals are fleeing on motorcycle from Kawakole Bazar. On getting this information, he along with other police personnel proceeded from police station and saw three persons running away towards Sarauni. The police team chased the criminals and caught one of them who disclosed his name as Chandan Kumar (this petitioner). On search



one country made pistol and a cartridge of .315 bore was recovered from his possession. It is alleged that the petitioner had confessed that he along with two other accused had indulged in theft of motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the country made pistol, cartridge and motorcycle. Learned counsel submits that the petitioner is in custody since 16.03.2020.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that though as per allegation a country made pistol and a cartridge have been recovered from possession of the petitioner but he has remained in jail in connection with this case since 16.03.2020, the trial is not likely to be concluded in near future and he has been remanded in another case only after this case as stated in paragraph '3' in which he is seeking remedy for bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Kawakole P.S. Case No. 72 of 2020 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.

And further condition that the 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

