

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11825 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- CHHAURADANO District- East
Champaran

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Rahul Jaiswal, S/o Sanjay Jaishwal, Resident of Village- Ekdari, P.S.-
Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chhauradano (Mahuawa) P.S. Case No. 270 of 2021 registered for the alleged offences under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)/ 26/ 35 of the Arms Act.

Allegedly, the petitioner and other co-accused persons were apprehended while making preparation for dacoity and from possession of this petitioner, a loaded country made pistol



with two live cartridges was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. No stolen property has been recovered from the petitioner, so no offence under Section 414 IPC against the petitioner is made out. The charge sheet has been submitted and the petitioner is in custody since 13.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 13.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 270 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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