

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14522 of 2022

Arising Out of PS. Case No.-1121 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Chunnu Alam @ Chunnu Miyan @ Chunna Alam Son of Hadish Miya @
Hadish Alam Resident of - Bada Tuniya, P.S.- Manuapool, District - West
Champaran currently residing at - Bhola tola, Ward No.- 6, P.S.- Chanpatiya,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourav Suman, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bettiah
Town P.S. Case No. 1121 of 2018 registered for the offence
under Sections 414, 399 and 402 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 23.07.2021.

The allegation against the petitioner is involve in the preparation of dacoity and also found in possession of fire arms.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced in the present case on the basis of disclosure made by apprehended co-accused persons immediately after the occurrence. It is submitted that no incriminating article recovered from the possession of the petitioner in furtherance of the said disclosure, which may connect the petitioner with the present set of occurrence. It is pointed out that antecedent of the petitioner is clean prior to this occurrence, subsequent thereof, petitioner is named in 11 cases and in almost all cases, name of the petitioner surfaced on the basis of confessional statement/disclosure, as of present case. It is further submitted that similarly situated co-accused, namely, Vikky Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27662 of 2020 dated 20.10.2020. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer of bail, fairly conceded that name of the petitioner surfaced on the basis of disclosure made by the co-accused persons apprehended on the spot, as per F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bettiah Town P.S. Case No. 1121 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Pappu Alam, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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