

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14571 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Chunnu Alam @ Chunnu Miyan @ Chunna Alam, Son Of Hadish Miya @
Hadish Alam, Resident Of Badka 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. Ravi Prakash, Adv. Mr. Sanchay Srivastava, Adv. Mr. Sourav Suman, Adv. Mr. Aalekh Anand, Adv.
For the Opposite Party/s :		Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Jagdhar Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Bettiah Nagar P.S. Case No.329 of 2021

registered for the offences punishable under Sections 413, 414,

34 of the Indian Penal Code and Section 25(1-b)a, 26 of the

Arms Act. He is in custody since 06.07.2021. The petitioner has

got ten criminal antecedents.



Learned counsel for the petitioner submits that on secret information when police raided the place in question they got one Khushi Alam @ Gabbar. From possession of said Khushi Alam one Desi Katta along with live cartridge, one mobile phone and two Splendor motorcycles were recovered. It is submitted that in his confessional statement the said Khushi Alam disclosed that he along with this petitioner had come to sell the recovered motorcycles. He could not produce any paper of the motorcycles.

Learned counsel submits that save and except the confessional statement of the co-accused, there is no other material to connect the petitioner with the present case. There is no recovery of any incriminating article from his possession and his name has been dragged by adopting pressure tactics by the apprehended accused. As regards the criminal antecedents, learned counsel submits that in some of the cases the petitioner has been granted bail, the last case being Chanpatiya P.S. Case No.151/2021 has been registered after this case. He is ready to abide by all such terms and conditions which may be imposed by this Court for purpose of grant of bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner saying that this petitioner



has got some criminal antecedents, this Court has noticed that the cases against the petitioner are mostly under Section 379 I.P.C. and in some of them he is on bail, further in connection with the present case he has remained in custody since 06.07.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah in connection with Bettiah Town P.S. Case No.329 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that during the pendency of trial once in every two months the petitioner shall mark his attendance before the S.H.O. of Chanpatiya police station in the District of West Champaran and shall keep on furnishing his complete



whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Chanpatiya police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the office of Superintendent of Police, Bettiah, West Champaran to issue necessary instruction to Chanpatiya police station.

(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'.

