

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15333 of 2022

Arising Out of PS. Case No.-435 Year-2020 Thana- MAJHAULIA District- West Champaran

ANAND PATHAK @ SHRESTHA NARAYAN PATHAK S/o Bholu Pathak
@ Bholanath Pathak, Resident of Village - Harpur, P.S.- Majhulia, District -
West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Majhulia P.S. Case No. 435 of 2020 lodged under Sections 399
, 400, 402, 411, 413 and 414 of the Indian Penal Code read with
Section 25(1-b)a, 26 and 35 of Arms Act.

From the F.I.R., it transpires that upon secret
informant a raid was made and three named persons, namely,
Saif Ali, Mithun Kumar and Deepu Kumar were arrested from
whose possession arms were recovered. The said three accused
persons have disclosed the name of 13 persons including the
petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 23.12.2021 and charge sheet has already been filed. On the point that the present petitioner is named in seven criminal cases, learned counsel for the petitioner submits that he shall not involve in any criminal activity in future and shall support trial. It has also been submitted that no incriminating article has been recovered from the possession of the petitioner and till date no T.I.P. takes place. Learned counsel for the petitioner further submits that similarly situated co-accused persons have been granted bail by the Co-ordinate Bench of this Court (Annexure-2 series).

Learned A.P.P. has opposed the prayer for bail.

In the present facts and circumstances that nothing was recovered from the possession of the petitioner and considering that he is in custody since 23.12.2021 and charge sheet has already been filed, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 435 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

The petitioner is directed to appear on each and every

date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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