

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18373 of 2022**

Arising Out of PS. Case No.-132 Year-2021 Thana- SABAUR District- Bhagalpur

CHAITA KUMAR @ CHAITA YADAV SON OF SURESH YADAV @
SURO YADAV R/O VILLAGE- CHANDHERI, P.S.- SABOUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399 and 402 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country
made pistol along with empty bottles of cough syrup.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the basis of suspicion. He
further submits that nothing incriminating as alleged in the
F.I.R. has been recovered from the conscious possession of
the petitioner. He further submits that it is apparent from



the F.I.R. that only one mobile phone has been recovered from the possession of the petitioner which is not the stolen one. He further submits that the co-accused, namely, Neeraj Kumar @ Bhagarwa @ Bhagarwa Yadav and Rajesh Kumar @ Rahul have already been granted bail by this Court vide order dated 04.02.2022 and 22.01.2022 passed in Cr. Misc. No. 44899 of 2021 and Cr. Misc. No. 54889 of 2021, respectively. The petitioner is rotting in judicial custody since 19.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sabour P.S. Case No. 132 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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