

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29789 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- DESARI District- Vaishali

1. CHANDAN KUMAR SON OF RAM SWARUP RAI Resident of Village - Madhaul Khurd, P.S.- Desari (Chandpura O.P.), Distt.- Vaishali.
2. Ram Swarup Rai @ Ram Swarup Son of Late Punit Rai Resident of Village - Madhaul Khurd, P.S.- Desari (Chandpura O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 28.01.2021, seek regular bail in connection with (Chandpura O.P.) P.S. Case No. 27 of 2021 registered for offences punishable under Section 399, 402, 414/34 of the Indian Penal Code and Section 25(1-b)a, 26/34 of the Arms Act.

Prosecution case, in brief, is that on 26.01.2021 on the basis of secret information, police raided the thatched house of the petitioner Ram Swarup Rai where it is alleged that some



miscreants were gathered for committing offence of *dacoity*. On seeing police party, they started running away and out of them two miscreants have been caught and other succeeded to flee away after taking benefit of darkness. On searching, *katta*, live cartridge etc. have been recovered from them.

Learned counsel appearing on behalf of the petitioners submits that nothing has been recovered from the conscious possession of the petitioners as would appear from the seizure list also which does not contain the signature of the petitioners. He further submits that petitioners have clean antecedent and he is in custody since 28.01.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, allegation in the F.I.R. is that the police has caught Chandan Kumar (petitioner no.1) along with his father Ram Swarup Rai (petitioner no.2) with loaded country-made pistol and one live cartridge is not supported from the seizure list which does not bear the signature of the petitioners appears to have not been prepared in the presence of petitioners, prima facie the petitioners, above named, have made out a case to be released on regular bail. The petitioners, above named, are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV Vaishali at Hajipur in connection with (Chandpura O.P.) P.S. Case No. 27 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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