

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21570 of 2022

Arising Out of PS. Case No.-625 Year-2021 Thana- PATLIPUTRA District- Patna

CHANDAN KUMAR Son of Shri Gopal Sharma Resident of Village -
Shahdullapur, P.S.- Lalganj, District - Vaishali, A/P residing at Surya Triveni
Apartment, Flat No. S-6, G.D. Mishra Path, P.S. - Patliputra, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22157 of 2022

Arising Out of PS. Case No.-625 Year-2021 Thana- PATLIPUTRA District- Patna

TUNNU PAL Son of Late Dinesh Pal Resident of Village - Shanti Nagar, Post
Office and Police Station - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21570 of 2022)

For the Petitioner/s : Mr.Rakesh Dubey

For the Opposite Party/s : Mr.Sanjay Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 22157 of 2022)

For the Petitioner/s : Mr.Sarva Deo Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Patliputra P.S. Case No. 625 of 2021 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code



and Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, allegation against the petitioners and others is that they are making planning to commit occurrence. It is alleged that Rs. 250/- as well as one mobile in question was recovered from possession of petitioner Chandan Kumar. It is further alleged that Rs. 60/- and mobile in question was recovered from possession of petitioner Tunnu Pal.

Learned counsel for the petitioners submits that petitioner Chandan Kumar is in custody since 29.11.2021 and petitioner Tunnu Pal is in custody since 28.11.2021. Petitioners bear criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that co-accused Sanjeev Kumar has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 8414 of 2022 and the case of present petitioners stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence, co-accused has been granted bail and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge cum Additional Chief Judicial Magistrate-X, Patna in connection with Patliputra P.S. Case No. 625 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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