

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25317 of 2022**

Arising Out of PS. Case No.-806 Year-2020 Thana- MUFFASIL District- West Champaran

Nandan Kumar @ Nandan Kumar Yadav S/O Sri Munna Yadav R/o village-
Parbatiya Tola, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 10-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

At the very outset, learned counsel for the
petitioner may seek permission to make necessary
correction in para-1 of the bail application within course of
the day.

Petitioner seeks bail in a case registered in
connection with Bettiah Muffasil P.S. Case No. 806 of
2020 for the offences punishable under Sections 399, 402,
413, 414 of the Indian Penal Code and 25 (1-B) (a)/26, 35
of the Arms Act



As per the prosecution case, it is alleged that on information with regard to assemblage of miscreants, the police conducted a raid and apprehended nine persons at the spot. It is further alleged that two cartridges were recovered from the pocket of the petitioner.

Learned counsel for the petitioner submits that nothing has been recovered from person and possession of the petitioner and only on account of past criminal antecedent, the name of the petitioner has been implicated in this case. It is further submitted that save and except two cartridges nothing has been recovered from person or possession of the petitioner and moreover, he is in custody since 01.01.2021, though investigation has been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he is found involved in one another case.

Having heard the rival contentions of the parties and taking into consideration the fact that only two cartridges have been recovered from person or possession of the petitioner and he is in custody since 01.01.2021, let



the petitioner, above named, be released on 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, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 806 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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