

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26381 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- CHHAURADANO District- East
Champaran

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ARJUN KUMAR Son of Kanhaiya Sah @ Kanaiya Sah Resident of village -
Mahuawa, P.S.- Mahuawa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sharad Kumar Verma, Advocate Ms. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :		Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chhauradano P.S. Case No. 270 of 2021 registered for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received information about co-accused persons along with their associates gathering at an identified place for committing some crime. A raid was conducted and the petitioner and two other co-accused persons were



apprehended from the spot and other co-accused persons fled away from there. From the co-accused persons, two country made pistol along with live cartridge were recovered. From this petitioner, one live cartridge and a mobile phone was recovered. Stolen motorcycle were also recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner was apprehended merely on suspicion as due to situation of pandemonium, the real accused persons fled away from the spot. The petitioner has no concern either with the co-accused persons or with the articles recovered from them. Moreover, for alleged recovery of live cartridge, the petitioner has been behind the bar since 13.10.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended from the spot when he and other co-accused persons were planning to commit some crime.

Having regard to the submission made on behalf of the parties and considering the nature of recovery from the petitioner and also his period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-



Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 270 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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