

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30426 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- BATHNAHA District- Sitamarhi

1. RAHUL KUMAR @ CHANDAN MEHRA S/o Shivji Ram Residen of Village- Kishanpur, P.S.- Bathnaha, District- Sitamarhi.
2. Vishnu Paswan @ Chandan Kumar S/o Late Mehilal Paswan Residen of Village- Kishanpur, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2022 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 Bathnaha P.S. Case No. 75 of 2022 registered for the offences punishable under Sections 399, 402, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per seizure list, one sharp knife as well as one Vivo mobile alongwith sim was recovered from possession of petitioner Rahul Kumar @ Chandan Mehra and Rs. 2000/- as well as one Oppo mobile alongwith sim was recovered from



possession of petitioner Vishnu Paswan @ Chandan Kumar. It is alleged that petitioners and others are making plan to commit dacoity and murder.

Learned counsel for the petitioners submits that petitioners are in custody since 24.03.2022. Petitioner no. 1 bears criminal antecedent of one case in which he is on bail and petitioner no. 2 bears clean antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It is submitted that police apprehended the petitioners on the basis of suspicion. No occurrence as alleged in the FIR has taken place. Police during the course of investigation recorded the confessional statement of accused persons and on the basis of said confessional statement the present petitioners have been implicated in the present case which is no evidentiary value in the eye of law.

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 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 Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 75 of 2022, 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 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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