

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34911 of 2022

Arising Out of PS. Case No.-563 Year-2020 Thana- SIWAN CITY District- Siwan

BAIJU KUMAR Son of Late Munna Prasad Resident of village - Sohagpur,
P.S.- Mirganj, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

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 Siwan Town P.S. Case No. 563 of 2020 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act.

As per prosecution case, police received a tip off about some armed miscreants assembling for the purpose of committing crime and a raid was conducted at the identified place. Four persons were apprehended. The petitioner is one of the apprehended persons. All of them were searched and from the possession of this petitioner,



a loaded country made pistol with two live cartridges were recovered. Rs. 4000/- was recovered from the co-accused Govinda Chouhan who disclosed that it was looted money.

Learned Senior counsel submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was merely a passer-by and due to local enmity he was dragged in this false case. The petitioner has no concern with the seized vehicle. Nothing incriminating has been recovered from the possession of this petitioner and the alleged recovery are plantation. Other two co-accused persons namely Govinda Chouhan and Akash Kumar Chaudhary have been granted bail in Cr. Misc. No. 44133 of 2021 vide order dated 02.02.2022 and in Cr. Misc. No. 48477 of 2021 vide order dated 11.03.2022. Charge sheet has been submitted in this case and the petitioner is in custody since 06.12.2020. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner was apprehended while making preparation for committing crime and from his possession a loaded country made pistol was recovered.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of this petitioner along with his clean antecedent and submission of charge sheet against him, 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 A.C.J.M 7th Siwan, in connection with Siwan Town P.S. Case No. 563 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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