

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35607 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

Dev Narain Choudhary Son Of Late Bhilai Choudhary R/O Village- Belwas,
Ward No.-7, P.S.- Belwas, District- Sarlahi (NEPAL)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate Smt. Divya Bharti, Advocate.
For the Opposite Party/s	:	Mr. Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Sursand P.S. Case No. 561 of 2021 lodged under Sections 399, 402, 414 of the Indian Penal Code read with Section 25(1-b)a, 26, 35 of the Arms Act and Section 8, 20(b)(ii)(C) & 22 of the N.D.P.S. Act.

The case of the prosecution is that, upon secret information police reached in mango orchard where criminals were gathered and planning to commit a crime, during raid 12 persons identified and different items were recovered from their respective possessions. From the possession of the present petitioner one loaded desi pistol, two live cartridges, one itel

company mobile, two nepali notes of 500 rupees and four nepali notes of 100 rupees were recovered.

Learned Counsel for the petitioner submits that petitioner is in custody since 10.12.2021, charge sheet has already been filed in this case, there is no likelihood of tampering the evidence. It has been mentioned that signature of the petitioner was obtained alongwith other accused persons on a plain paper and police have prepared the seizure list in complete violation of Section 100 of Cr.P.C. He further submits that co-accused persons have been granted bail vide order dated 05.07.2022 in Cr. Misc. No.9140 of 2022, Cr. Misc. No.8751 of 2022, Cr. Misc. No.10028 of 2022 and Cr. Misc. No.10127 of 2022 as well as vide order dated 21.02.2022 passed in Cr. Misc. No.19334 of 2022 by the Co-ordinate Bench as well as the same Bench of this Court.

Learned counsel for the State vehemently opposes the prayer for bail.

Considering the facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,

Sitamarhi in connection with Sursand P.S. Case No. 561 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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