

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38338 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- GAMAHARIYA District- Madhepura

Elendra Kumar Son Of Rajendra Yadav R/O Village- Khonha, Ward No.-10,
P.S.- Bihariganj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

At the outset, learned counsel for the petitioner submitted that inadvertently, sections of the Arms Act has been omitted i.e. 25(1-b)a, 26 and 35.

Accordingly, learned counsel for the petitioner is permitted to add necessary sections, during the course of the day itself.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Gamhariya P.S. Case No. 29 of 2022 registered for the offence under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.



The accused/petitioner is named in the F.I.R. and is in custody since 23.02.2022.

The allegation against the petitioner is to involve in preparation for dacoity, along with other co-accused persons, and while making such preparation, found in possession of loaded country made pistol.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case due to local disputes and differences. It is submitted that entire seizure list appears doubtful, as same is not supported by independent witnesses rather by police personnels. It is further submitted that similarly situated co-accused person, Ranjay Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37733 of 2022 vide order dated 06.09.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, by taking note of accusation, where petitioner is in



custody since 23.02.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gamhariya P.S. Case No. 29 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhepura/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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