

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40359 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

PRINCE KUMAR PASWAN Son of Shiv Kumar Paswan Resident of Village
- Sahwani Pokhar (Pandaual), P.S. - Sakri, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40883 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

CHANDAN KUMAR MAHTO Son of Satrugan Mahto Resident of Village
-Brahampur, P.s.- Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40359 of 2022)

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Binod Kumar no. 3APP

(In CRIMINAL MISCELLANEOUS No. 40883 of 2022)

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr. Binod Kumar no. 3,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Both the petitions are heard together and are being

disposed of by this common order as they arise out of the same

police station case number.



Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in Pandaul P.S Case No. 55 of 2022 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and sections 25(I-b)a, 26, 35 of the Arms Act.

As per allegation, police got the information that the accused persons had gathered and making preparation to commit dacoity and acting on a tip off, police party apprehended 11 accused persons with firearms and mobiles including the petitioners on the spot.

The main submissions advanced by learned counsel Shri Subhash Kumar Jha appearing for the petitioners are that both petitioners have been languishing in jail since 28.3.2022 and two co-accused persons, namely, Guddu Bhandari and Anup Kumar Mandal have been granted bail by different benches of this court vide orders passed in Cr. Misc. no. 39111/2022 and Cr. Misc. no. 38061/2022 and investigation against the petitioners has been completed.

Sri Binod Kumar no.3, learned APP appearing for the State has opposed the prayer for bail of both petitioners.

Heard both sides, perused the FIR and seizure list



attached to the FIR. As per allegation, police got information that accused persons had assembled at a specified place with an intention to make preparation to commit dacoity, thereafter police party raided the said place and apprehended 11 accused persons including the petitioners on the spot, from the possession of the petitioner- Prince Kumar Paswan, a loaded country made pistol and two mobile phones were recovered and he has three criminal antecedents as per para 3 of the petition.

Considering the said recovery of firearms and his criminal antecedents, in the opinion of this court, petitioner- Prince Kumar Paswan does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Petitioner may renew his prayer for bail, if any significant development in his case is not taken in the next one year.

So far as petitioner- Chandan Kumar Mahto is concerned, as per FIR, only two mobile phones and Rs 2000/- cash are alleged to have been recovered and no firearm was recovered from his possession, in the opinion of this court, a lenient approach can be taken in respect of this petitioner.

Let the petitioner Chandan Kumar Mahto be released on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani in Pandaul P.S Case No. 55 of 2022.

(Shailendra Singh, J)

s.hassan/-

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