

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51472 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- BARAUNI District- Begusarai

Chandan Kumar, S/O Shankar Mahto, R/o village- Bajaba Chak, P.S.-  
Mufasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Arbind Kumar Sharma, Advocate |
|                          |   | Mr. Saroj Kumar Sharma, Advocate  |
| For the Opposite Party/s | : | Mr. Rajendra Nath Jha, APP        |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

6      21-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within 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 Barauni (FCI OP) P.S. Case No. 58 of 2021  
registered for the alleged offences under Sections 399, 402, 412  
of the Indian Penal Code and Sections 25 (1-b)a, 26 and 35 of  
the Arms Act.

As per prosecution case, on the basis of secret  
information that 5-6 miscreants have assembled and were  
making preparation for committing crime, a raid was conducted



at the identified place and five persons were apprehended including this petitioner. From the possession of this petitioner, a loaded country made pistol with one live cartridge and a mobile phone were recovered. Further recovery of country made pistols, cartridges, mobile phones and motorcycle were made from the other co-accused persons. The apprehended persons disclosed that they were making preparation for committing the dacoity.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Whatever the recovery has been shown has not been made from this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 04.02.2021.

Learned A.P.P. opposes the prayer for bail submitting that recovery has been made from this petitioner and the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he 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 Judicial Magistrate, Begusarai/court concerned, in connection with Barauni (FCI OP) P.S. Case No. 58 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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)**

V.K.Pandey/-

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