

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41551 of 2022

Arising Out of PS. Case No.-239 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

Gandhi Chaudhary S/o Mahendra Chaudhary, R/o Village- Amiawaqr, P.S.-
Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umeshanand Pandit, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Sasaram (Mufassil) P.S. Case No. 239 of 2017
registered for the alleged offences under Sections 379, 414 and
34 of the Indian Penal Code and Sections 25(1-b)a and 26 of the
Arms Act.

As per prosecution case, police received information
about co-accused Chhotu Ram making plans for committing
some offence along with his associates. A raid was conducted at
the identified place and co-accused Chhotu Ram was



apprehended and from his possession a country made pistol with one live cartridge were recovered and one motorcycle was also recovered from the place of occurrence. Later on, this co-accused Chhotu Ram disclosed the name of this petitioner along with other co-accused persons for their involvement in the alleged occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has been dragged in this case merely on confessional statement of co-accused Chhotu Ram. Learned counsel further submits that one country made pistol and three live cartridge were recovered from the co-accused Chhotu Ram and a motorcycle was also recovered from the place of occurrence. But, the petitioner has nothing to do with the motorcycle or the place of occurrence. Nothing incriminating has been recovered from his person or possession. Learned counsel further submits that there would be no application of provisions of Arms Act as no arms or ammunition have been recovered from the possession of this petitioner, though, the same was recovered from the co-accused Chhotu Ram and this co-accused has been granted bail vide order dated 13.07.2017 passed in Cr. Misc. No. 31779 of 2017 by a Coordinate Bench. Charge sheet has been



submitted in this case and the petitioner is in custody since 13.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner. Learned APP for the State further submits that the petitioner is a habitual offender and is having a large number of cases pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery of any stolen article has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Additional Chief Judicial Magistrate, Sasaram, District-Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 239 of 2017, 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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