

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52046 of 2021

Arising Out of PS. Case No.-139 Year-2021 Thana- KALYANPUR District- East Champaran

Sandeep Kumar Raut, Son of Chulhai Das Resident of Village - Bhagyanagar,
P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-04-2022 Heard learned counsel for the parties through video conferencing.

The petitioner is in judicial custody since 12.06.2021 in connection with Kalyanpur P.S. Case No.139 of 2021 (G.R. No.3432 of 2021) under Section 414 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

The prosecution story, as unfold in the FIR, is that when the police personnel were on day patrolling, upon confidential information, they moved towards a place and found three persons standing there. The persons present there tried to flee. However some of them were nabbed and search was made. So far as this petitioner is concerned, as per the FIR, the police did not find any incriminating article from his possession.

The counsel for the petitioner submits that the FIR itself discloses that so far as the petitioner is concerned, he was nabbed merely because the police apprehended that they are going to commit



some crime. He further submits that charge sheet has already been submitted in the matter and he is in jail since 12.06.2021, as such he submits that the petitioner deserves bail.

Considering the aforesaid facts which manifest from the record itself, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Kalyanpur P.S. Case No.139 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IXth, Motihari, East Champaran subject to following conditions:

(i) one of the bailor should be the family member of the petitioner and will produce official document to show his bonafide;

(ii) he shall ensure his presence in the pending trial on each and every date and failure to do so for two consecutive dates without plausible reason, the State shall be at liberty to initiate the process for cancellation of his bail;

(iii) he shall visit the local police station every fortnight for three months to mark his presence.

With the aforesaid observation the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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