

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52195 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- DARPA District- East Champaran

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CHHOTU KUMAR Son of Lalbabu Sah Resident of Village- Shyampur, P.S.-
Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Darpa

P.S. Case No. 39 of 2021 registered for the offence under

Sections 399, 402, 413 and 414 of the Indian Penal Code and

Section 25(1-b)a, 26 and 35 of the Arms Act.

One loaded country made pistol is said to have

been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Although, the alleged recovery of one loaded country made pistol is said to have been made from the possession of the petitioner, but no offence has been committed by the petitioner, which is clearly apparent from the F.I.R itself. Moreover, the co-accused, namely, Bittu Singh @ Bittu Kumar having more or less similar allegation, has already been granted bail by this Court vide order dated 20.12.2021 passed in Cr. Misc. No. 49065 of 2021. The petitioner has sufficiently been punished for the alleged recovery as he is rotting in judicial custody since 02.04.2021 i.e. more than eight months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Raxaul, East Champaran in connection with Darpa P.S. Case No. 39 of



2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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