

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43011 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- NAANPUR District- Sitamarhi

Shyam Kumar Chaudhary S/o Satya Narayan Chaudhary R/o village-
Budhnagara, P.S.- Nanpur, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Smiti Bharti, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Naanpur P.S. Case No. 131 of 2022 registered for the offence
punishable under Section 414 of the Indian Penal Code and
Sections 25 (1-B)a, 25 and 26 of the Arms Act.

Allegedly, the police got the secret information that
the accused persons were planning to commit some offence and
then the police reached near the shop of this petitioner and then
two persons including the petitioner attempted to flee but the
petitioner was apprehended at the spot and from his possession
one loaded country-made pistol along with one mobile phone
and a motorcycle without having registration number were
recovered.



The main submissions advanced by the learned counsel Mrs. Smiti Bharti for the petitioner are that there is no allegation by prosecution about the seized mobile phone and motorcycle to be stolen articles, in fact the seized mobile phone is a purchased phone of this petitioner and the alleged motorcycle has also been purchased by this petitioner from the *Mukhiya* of his village and the petitioner has clean antecedent and has been languishing in jail since 02.04.2022 and against him the investigation has been completed.

Learned APP Mr. Anand Mohan Prasad Mehta appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Though from the possession of this petitioner one country-made pistol along with mobile phone and a motorcycle were allegedly recovered but considering his clean antecedent mentioned in his petition and also the fact that against him the investigation has been completed and he has been languishing in jail since 02.04.2022, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 to the satisfaction of the concerned Court in connection with Naanpur



P.S. Case No. 131 of 2022, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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