

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62167 of 2021

Arising Out of PS. Case No.-260 Year-2019 Thana- JOGAPATTI District- West Champaran

CHUNNU ALAM @ CHUNNU MIAN Son of Hadish Mian @ Idrish Mian
Resident of Village - Tuniya, Ward No.- 11, At Present Village - Pasiya Tola
Bhola, Tola - Tikuliya, P.S.- Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Jogapatti (Shanichari) PS case no. 260 of 2019 instituted
for the offences punishable under Sections 399, 402, 120B of
Indian Penal Code and 25(1-B)a/26/35 of Arms Act, 1959.

The allegation is regarding the police having
received secret information that some miscreants were planning
to commit Bank dacoity, whereafter they had reached at the
place of occurrence, from where, they had apprehended two
accused persons, upon chase, namely Kalam Ansari and Vivek
Raw and upon search, two loaded countrymade pistols were
recovered from their possession. On interrogation, they



disclosed the name of the petitioner to be the person who had fled away and also stated that he is their accomplice and was conspiring along with them to commit Bank dacoity.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 25.06.2021. The learned counsel for the petitioner has further submitted that neither the petitioner has been apprehended from the spot nor any illicit arms/ ammunition have been recovered from his possession but still he has been made an accused in the present case merely on account of him having a bad criminal antecedent and his name having been disclosed by the other two accused persons, who were apprehended from the spot. Lastly, it is submitted that as far as the criminal antecedent of the petitioner is concerned, the petitioner was initially arrested in Bettiah Town PS case no. 351 of 2021 and thereafter, he has been remanded in all other cases.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that neither the petitioner has been arrested from the spot nor any incriminating articles have been recovered from the possession of the petitioner apart from the fact that the petitioner is languishing in custody since about 09 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M. 13, West Champaran, Bettiah in connection with Jogapatti (Shanichari) PS case no. 260 of 2019.

(Mohit Kumar Shah, J)

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