

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72204 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- BEUR District- Patna

Chandan Kumar S/o Late Ashok Prasad @ Pannu @ Ashok Ray R/o Mohalla-
Patthani Nathupur, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
S.Tr. No. 643 of 2021 arising out of Beur P.S. Case No. 162 of
2021 lodged under Sections 302/34/120-B of the I.P.C. read
with Section 27 of the Arms Act.

As per the prosecution case, the allegation is against 4
named accused persons against whom suspicion has been
created by the informant that his son used to sit with those
accused persons every day.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He is in

custody since 27.04.2021, charge sheet has already been filed in this case. Learned counsel for the petitioner further submits that prior to filing of this case, his antecedent was clean but after filing this case one another case was filed showing recovery of arms from him which is related to the present case itself.

Learned counsel for the petitioner submits that the entire case is based on suspicion. The material which is against him is the confessional statement of his wife and subsequently his self-statement given to the police. Learned counsel submits that on the statement of the wife, the recovery of arms and motorcycle was made from the house of his brother-in-law on 07.05.2022 whereas the police has corroborated the said evidence from the mouth of the petitioner about 15 days later.

Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is the direct involvement of the petitioner in commission of the crime. The cause for commission of the crime is also present in the

confessional statement. The arms used in the crime and the motorcycle was recovered upon the specific query that whether those materials have been recovered prior to confessional statement or after confessional statement, learned counsel for the informant submits that it has been recovered prior to confessional statement.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVIII, Patna in connection with S.Tr. No. 643 of 2021 arising out of Beur P.S. Case No. 162 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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