

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2548 of 2023

Arising Out of PS. Case No.-499 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

CHANDAN KUMAR Son of Nawal Ray @ Nawal Kishore Ray R/V-
Sarariya, P.S- Lalganj, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Mrs. Anajana Gupta, Advocate
For the Opposite Party/s :		Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No. 499 of 2022, dated 01.07.2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.
3. As per the prosecution, police personnel on secret information, apprehended this petitioner along with other accused persons and upon making search one country-made pistol loaded with one live cartridge was recovered from the petitioner's possession.
4. The main submissions advanced by petitioner's



counsel are that as per allegation, from the possession of this petitioner one loaded country-made pistol and one live cartridge are stated to have been recovered and one co-accused namely, Nitish Kumar @ Golu is also alleged to have been arrested with this petitioner with the same type of firearms and he has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.58556 of 2022 and the said co-accused has criminal antecedents of three cases and in view of the nature of allegation his case stands on similar footing with this petitioner. Further submissions are that the petitioner has been languishing in jail since 02.07.2022 and against him investigation has been completed.

5. Learned APP appearing for the State opposes the prayer for bail.

6. Heard both the sides and perused the FIR and seizure memo attached to the FIR. As per prosecution's allegation, on getting the information that some persons were making preparation to commit *dacoity*, police party raided the alleged place and arrested four accused persons including the petitioner from that place and one co-accused managed to escape and the petitioner is stated to have been arrested with three co-accused persons and from his possession, one loaded



country-made pistol and one live cartridge were allegedly recovered. Though the petitioner has been languishing in jail for about last nine months and against him investigation has been completed but he has been accused in ten other cases out of them four cases have been lodged under the offences of Arms Act so in view of the said criminal history of this petitioner his case does not appear to be on similar footing with the co-accused Nitish Kumar. Accordingly, I am not inclined to enlarge the petitioner on bail, hence, his prayer for bail stands rejected.

7. The petitioner may renew his prayer for bail after framing of charge.

(Shailendra Singh, J.)

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