

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11138 of 2023**

Arising Out of PS. Case No.-262 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Karelal @ Chanchal Kumar Son of Dhankik Yadav Resident of Village-
Pensailo, P.S.- Muffasil (Lakho O.P.), District- Begusarai at present residing
in Village- Taratarpur, P.S.- Dandari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.10.2022 in connection with S. Kamal P.S. Case No. 262 of
2022, F.I.R. dated 04.10.2022 for the offences punishable under
Sections 392, 397, 412 of the Indian Penal Code and 25 (1-b)a,
26 and 35 of the Arms Act.

According to prosecution case, as per fardbeyan of
informant is that on 03.10.2022 at 11:05 P.M. when informant
was returning from Khagaria with his Toto alongwith three
accused persons including this petitioner then on NH-31 after
Raghunathpur village before Railway bridge at lonely place, one
of them pointed pistol on his temple and looted his mobile



phone, six hundred rupees and his Toto vehicle. Then suddenly police came there and one of them was apprehended by police who told his name as Anjesh Kumar. Thereafter with their help other two co-accused including petitioner was also apprehended by police.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons namely Anjesh Kumar, he further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made on the basis of the confessional statement of the petitioner, one country-made pistol was recovered from the bush. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned A.C.J.M. -
IVth, Begusarai, in connection with S. Kamal P.S. Case No. 262
of 2022 , subject to 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 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. 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)

Aditi/Vikas

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