

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15915 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- RIVILGANJ District- Saran

KALAMUDDIN KHAN @ CHHOTU S/O Nasruddin Khan R/O Village-
Godna Khan Toli, P.S- Revelganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Revelganj P. S. Case No. 416 of 2022, registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is that the informant got information on 12.12.2022 that 4-5 criminals are planning to commit crime. Upon information, he rushed to the spot along with police, from where criminals started running from there. Out of which three accused



persons have been caught. One country made pistol and two live cartridges have been recovered from co-accused Dhanu Kumar Thakur along with a Splendor motor-cycle and one mobile phone. One chinese knife, mobile phone and Apache motor-cycle has been recovered from accused-petitioner. One Chinese knife has also been recovered from co-accused Ajay Kumar. It is further alleged that upon inquiry, accused persons disclosed that they were planning to commit theft of motor-cycle along with other accused persons, namely, Vicky Kumar and Sonu Singh.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that allege recovery of small knife and motor-cycle has not been made from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He further submits that one of the co-accused has already been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 19.05.2023, passed in Cr. Misc. No. 24269 of 2023.



He further submits that the petitioner has been languishing in jail since 12.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ms. Shikha Pandey, Judicial Magistrate 1st, Class, Saran at Chapra, in connection with Revelganj P. S. Case No. 416 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

