

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23021 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- LUTUA District- Gaya

Chandan Kumar Son of Rajendra Mahto R/V- Barbadih, PS- Bhadwar Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lutua P.S. Case No. 07 of 2022 registered on 12.09.2022 for the alleged offences under Sections 420 and 414 of the Indian Penal Code and Sections 25(1-B)A and 26 of the Arms Act.

3. As per prosecution case, police received information about petitioner who was wanted in some other case moving on a motorcycle and when checking of the vehicles was started, this petitioner was apprehended. From the possession of this petitioner a live cartridge was recovered. The petitioner did not produce any document showing ownership of the motorcycle and it was assumed that it was a stolen property.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. No recovery has been made from the possession of the petitioner and the alleged recovery of a live cartridge was planted. The police has not obtained the details of the recovered motorcycle and this makes the prosecution case of possessing the stolen property against the petitioner suspect. The alleged seizure list is a false and fabricated document. Petitioner is in custody since 13.09.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer of bail submitting that petitioner is a habitual offender and is accused in a number of cases of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, District-Gaya/court concerned in connection with Lutua P.S. Case No. 07 of 2022, subject to the conditions



mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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