

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29872 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- NAUGACHIA District- Bhagalpur

1. Chandan Yadav @ Chandan Kumar, Son of Banarshi Yadav
2. Julo @ Julmi Yadav @ Julo Yadav, Son of Late Shibo Yadav
Both are Resident of village - Dhobiniya, P.S.- Naugachia, District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Naugachia P.S. Case No.262 of 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.

Both accused/petitioners are named in the FIR and are in custody since 02.09.2022.

Allegation against the petitioners is to involve in preparation for dacoity along with other co-accused persons, where petitioner no.1 found in possession of one country-made pistol along with two live cartridges and petitioner no.2 found in possession of one loaded country-made pistol.



It is submitted by learned counsel that mere in the possession of firearms, it cannot be said that petitioners were involved in preparation for committing dacoity. It is submitted that petitioner no.1 was apprehended by police. He was not in association with any other criminal but, as he found in possession with one country-made pistol along with two live cartridges, a disclosure was obtained by the police as to implicate the other innocent co-accused persons including petitioner no.2, who alleged to be found in possession of one country-made pistol later on. It is submitted that investigation of this case not suggesting that petitioners were involved in preparation for dacoity. While concluding argument, it is submitted that both the petitioners involved in one more criminal case, where they are on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioners.

In view of above-mentioned facts and circumstances, and by taking of fact as save and except possession of firearms i.e. alleged country-made pistols, nothing



appears during the course of investigation to suggest the involvement of petitioners in preparation for committing dacoity as alleged on its face, coupled with the fact that charge-sheet has already submitted, where both petitioners are in custody since 02.09.2022, accordingly, the petitioners, above-named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Naugachia, Bhagalpur/Successor Court in connection with S.T. No.92 of 2023, arising out of Naugachia P.S. Case No.262 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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