

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30951 of 2023**

Arising Out of PS. Case No.-460 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Chandan Kumar Son Of Nagendra Paswan R/O-Chhotaki Nawada, Cotton Mill, P.S.-DELHA, Distt.-GAYA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gaya Rail
P.S. Case No. 460 of 2022 registered for the offence under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
b) a, 26, 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.11.2022.

The allegation against the petitioner is to found
involved in preparation for dacoity alongwith other co-accused
persons, where other co-accused persons alleged to be found in
possession of firearms also.



Learned counsel appearing on behalf of the petitioner submitted that though petitioner was apprehended with other co-accused persons on spot itself but no incriminating material recovered from his possession, on the basis of which, it can be said that petitioner was under preparation for dacoity. It is submitted that similarly situated co-accused, namely, Omkar Kumar @ Samir @ Du has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 22076 of 2023 dated 29.04.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as no incriminating substance recovered from the possession of petitioner, who arrested on the spot suggesting his involvement in alleged preparation for dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Gaya Rail P.S. Case No. 460 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Railway Magistrate, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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