

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41241 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

Nandan Kumar Singh @ Nandu @ Nandan Singh Son Of Late Umesh Singh
Resident Of Postal Park, Road No. 3, Near Kali Mandir, P.S. - Jakanpur, Distt.
- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 242 of 2023 registered for the offence
under Sections 399, 402, 414 of the Indian Penal Code and
Section 25(1-b)a, 26, 35 of the Arms Act and Section 37 of the
Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 10.03.2023.

5. The allegation against the petitioner is to involve in
preparation for committing dacoity and while preparing, he



found in possession of one loaded country made pistol alongwith three live cartridges and one iPhone, where other co-accused were also alleged to be found in drunken condition.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner cannot be implicated with allegation as raised through present FIR i.e. preparation for committing dacoity merely on the ground that he found in possession of one country made loaded pistol and three live cartridges. It is submitted that the legal ingredients as to established a *prima facie* case for preparation for committing dacoity is altogether different which not appears to be convincing from given narration of FIR. It is submitted that subsequent to this case, petitioner was remanded in two more criminal cases, which only suggest police atrocities towards this petitioner and also to false implication with present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as the implication



for preparation for dacoity only appears *prima facie* due to recovery of firearms, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Agamkuan P.S. Case No. 242 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Patna City/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

