

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47604 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- SINGHWARA District- Darbhanga

Chandan Kumar Sah Son Of Ram Pramod Sah @ Pramod Sah Resident Of
Village - Budhnagara, P.S. - Nanpur, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.07.2022 in connection with Singhwara P.S. Case No. 35 of 2022, F.I.R. dated 05.03.2022 for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code along with Sections 25(1-b)a, 26/35 of the Arms Act.

3. According to prosecution case, on search, one loaded country-made pistol and mobile phone has been recovered from the possession of the accused person.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of disclosure made by the co-accused persons, namely *Md. Naushad, Satyam Kumar Thakur* and



Manohar Kumar and nothing has been recovered either from the possession of the petitioner or from the house of the petitioner and further also he was not arrested from the spot. He further submits that except the confessional statement of co-accused persons, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.07.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carry seven criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate – Ist Class, Darbhanga, in connection with Singhwara P.S. Case No. 35 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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