

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.663 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- NAGAR District- Vaishali

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1. Chandan Kumar Singh S/O Late Lalan Singh Resident Of Village- Rambhadra, P.S.- Hajipur Town, District- Vaishali.
 2. Rana Singh S/O Ajay Singh Resident Of Village- Hela Bazar, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-03-2023

Heard learned counsel for the petitioners and
counsel for the State.

This Cr. Revision application is being filed under
Section 167(2) of the Cr.P.C. in connection with Hajipur Town
P.S. Case No. 369 of 2022 registered for the offence under
Sections 25(1-b)A, 26, 35 of the Arms Act which was rejected
on 12.07.2022 without applying his judicial mind.

Counsel for the petitioners submits that petitioners
were in custody in connection with Hajipur Town P.S. 369 of
2022. They were in custody since 11.05.2022 but charge-sheet
has not been filed against them within the requisite time period
of 60 days. As such on 62nd day, the petitioner has filed the
application before the court seeking relief that default bail may
be granted to them under Section 167(2) of the Cr.P.C.

Counsel submits that the said application is Annexure-2. In the said application itself, it has been acknowledged by the office that court has demanded report from the office. It has been acknowledged that on 62nd day, charge-sheet has been received, therefore, an indefeasible right has been inserted in the petitioner by which they are entitled to get the default bail under Section 167(2) of the Cr.P.C.

Counsel for the State opposes the prayer for bail and submits that both the accused persons were caught red handed with arms and in custody only since 11.05.2022.

In the present facts and circumstances and as per the position of law laid down under Section 167(2) of Cr.P.C., if charge-sheet has not been filed within 60 days, then an indefeasible right has accrued in favour of the petitioner.

In this view of the matter and without entering in the merit of the petitioners, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 369 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, this bail application stands allowed and Cr. Revision case filed as per provision under Section 167(2) of the Cr.P.C. in connection with Hajipur Town P.S. Case No. 369 of 2022 is hereby set aside.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	