

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60141 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- CHHAURADANO District- East
Champaran

=====

SANDEEP KUMAR Son of Shiv Shankar Sah Village - Jolgawan, P.S. -
Jitna, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Chhauradano P.S. Case No. 180 of 2023 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant got secret information about a person carrying arms on a motorcycle. The informant in course of patrolling stopped a person who tried to flee away but was later apprehended and during search, a pistol and a live cartridge was recovered from his possession.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner was not present at the spot and he has been made an accused in this case based on the confessional statement of co-accused Rajan Kumar Gupta.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of co-accused Rajan Kumar Gupta who was arrested at the spot, this petitioner was not present with the co-accused and he was not seen with him, save and accept the confessional statement of the co-accused in which he has stated that he had purchased the arm from the petitioner, there is no other material to connect the petitioner with this case and further that the petitioner has no criminal antecedent and his presence may be secured in course of trial, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Chhauradano P.S. Case No. 180 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

