

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63206 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- NOKHA District- Rohtas

Chandan Kumar Son of Rajendra Singh R/o Village- Rampur Lakh, P.S.-
Natwar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Nokha
P.S. Case No. 129 of 2022 registered for the offence under
Sections 399, 402, 120(B)/34 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.04.2022.

The allegation against the petitioner is to involve in
preparation for dacoity, along with other co-accused persons,
and, while preparing so, found in possession of two country
made pistols along with two live cartridges of 315 bore.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated in present case merely on the basis of suspicion arises out of his criminal antecedents and same can be gathered as petitioner not even remanded in Six (6) cases even after arrest, out of Ten (10) criminal cases. It is further submitted that alleged bag from where country made pistol along with live cartridges were recovered is not connected in any manner with this petitioner and it can be safely said that recovery of firearms were not made from the conscious physical possession of the petitioner. It is submitted that seizure list is also appearing doubtful for the reason that same is not supported by independent witnesses, rather by police personnels. It is submitted that merely for the reason that certain firearms were recovered from the possession of this petitioner, the petitioner cannot be said to be involved in preparation for dacoity for which separate ingredients are required to be established, *prima facie*, as per law. It is also submitted that co-accused namely, Vivek Kumar @ Munna Kumar @ Munna, facing similar allegation has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 52099 of 2022 vide order dated 23.12.2022. While concluding the argument, it is submitted that



investigation of this case is completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as except recovery of firearms, nothing surfaced, during the course of investigation, which may suggest that petitioner found involved in preparation for dacoity coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Nokha P.S. Case No. 129 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 Additional Chief Judicial Magistrate-1, Sasaram at Rohtas/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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