

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67272 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- SABAUR District- Bhagalpur

Chandan Yadav @ Chandan Kumar Yadav Son of Sri Rajendra Yadav R/V-
Babupur, P.S- Sabour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67717 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- SABAUR District- Bhagalpur

Mukesh Kumar S/o Mahendra Das @ Mahendra Harijan R/o- D.V.C. Road
(Thana Road) Sabour, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67272 of 2022)

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv. With

: Ms. Sukanya Bharti, Adv.

: Ms. Sucheta Kumari, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 67717 of 2022)

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

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Sabour P.S. Case No. 194 of 2022 lodged under Sections 399,
402 of the I.P.C. read with Sections 25(1-b)a, 26/35 of the Arms
Act.

As per the prosecution case, police upon secret information has raid at the specified place and apprehended 4 named accused persons who have disclosed one more person and therefore, F.I.R. has been lodged against 5 persons including the petitioner. From the content of F.I.R., it transpires that the recovery of arms and cartridges have been made from the possession of the accused Pankaj Paswan. From the possession of the petitioners, only mobile has been recovered.

Learned counsel for the petitioners submits that recovered mobile is the purchased mobile of petitioners either in their name or in the name of their relatives.

Counsel further submits that petitioners are in custody since 30.05.2022 and antecedent of petitioner of first case (Chandan Yadav) has clean antecedent but antecedent of petitioner of second case (Mukesh Kumar) has 3 criminal antecedent in which he is on bail in all the 3 cases. Counsel also submits that this case is magisterial triable in nature.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner(Chandan Yadav Cr. Misc. No. 67272 of 2022) be granted bail on furnishing bail

bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M. Bhagalpur in connection with Sabour P.S. Case No. 194 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

And, the petitioner of second case (Mukesh Kumar Cr. Misc. No.67717 of 2022) be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-XIV, Bhagalpur in connection with Sabour P.S. Case No. 194 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner 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 his bail bond.

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

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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