

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68781 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- SAKRA District- Muzaffarpur

CHANCHAL KUMAR Son of Dinesh Ram Resident of Village - Agrail Dih,
P.S.- Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 411 and 412 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Prosecution story in brief is that the informant received an secret information that 10-11 persons who are talking to commit crime gathered near Shimri Shamshan Ghat. The informant along with police team reached there and saw that six persons were sitting on two motorcycles, five persons were standing on road and they were talking. On seeing the police party, all the accused persons frightened and attempted to flee but all of them were apprehended but two accused persons



succeeded to flee away by taking advantage of darkness. During the course of inquiry, they disclosed their names as well as they also revealed the name of their associates who fled away. On being searched in the presence of two independent witnesses, arms & ammunitions, mobile phones and motorcycles as per descriptions given in the written application were recovered from their possession. They also confessed that they used to commit lootpat in the night on national highway. Some of the recovered mobile phones and motorcycles have been found to be looted and stolen one.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that petitioner is present at the place of occurrence . He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article has been recovered form the possession of the petitioner and so no case is made out under the Arms Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



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 Court below where the case is pending in connection with Sakra P.S. Case No. 357 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

Alok Verma/
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