

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7793 of 2024

Arising Out of PS. Case No.-369 Year-2022 Thana- MADANPUR District- Aurangabad

Pappu Kumar @ Chhotu S/O Dwarika Yadav Village- Jamuniya, P.S.
Madanpur, District. Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 19-02-2024 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Madanpur P.S. Case No. 369 of 2022 dated 16.07.2022 registered for the offence(s) punishable under Section(s) 147, 148, 149, 353, 307, 120B of the Indian Penal Code and Section 25(1-b)a, 26, 35 of Arms Act and Section 3/4/5 of the Explosive Substance Act and Sections 16, 18, 13 and 20 of the U.A.P. Act
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has got no criminal antecedent and he was arrested from his own house, the instant matter relates to the recovery of food materials and ammunitions such as IED Battery, Flaxi, wire, Detonator and cycle tube etc. from different places of the forest which were



recovered by the police officials and personnel of the CRPF but petitioner was not apprehended at the spot and only on the basis of disclosure made by local chaukidar several persons including this petitioner were made accused and he has been languishing in jail since 22.10.2022 and one similarly situated co-accused namely, Nandu Kumar @ Priyam has been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 35074 of 2023.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the petitioner is not stated to have been arrested at the spot of recovery of the incriminating materials and he has got fair and clean antecedent and has been languishing in jail since 22.10.2022 and several persons have been made accused mainly on the basis of the information provided by the local chaukidar and the petitioner was apprehended from his house as per above submission and also, the fact, that one co-accused carrying similar nature of allegation mentioned above is on bail, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Madanpur P.S. Case No.



369 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court .
- (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) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.
- (4) The trial court will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the trial court shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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