

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9719 of 2024

Arising Out of PS. Case No.-600 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Chandan Kumar @ Tittu Dhamaka Son of Baban Singh Resident of Village-
Jaitpur, P.S.-Barhiya, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Lakhisarai (Kabaiya) P.S. Case No. 600 of 2023, lodged on
06.08.2023 under Section 401 of the Indian Penal Code read
with section 25(1-b)A, 25(1-AC), 26(1), 35 of the Arms Act and
sections 4 and 5 of the Explosive Substances Act

3. As per the prosecution case, FIR has been lodged
against eight named accused persons including the present
petitioner. According to the FIR, the allegation is that the police
raided the house of one Govinda Kumar and recovered country
made pistol, six cartridges and also one hand grenade. Further
on his confession, police raided the house of one Mukesh Ram
and recovered automatic loaded pistol.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the name of the petitioner has been figured in this case only by virtue of confessional statement of the co-accused. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioner. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are 11 criminal cases pending against him. The petitioner is in custody since 08.09.2023 in the present case. Counsel further submits that at the time of alleged date and place of occurrence, the petitioner was in custody.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and there are 11 criminal cases pending against him, therefore, this aspect may be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named 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 Chief Judicial Magistrate,



Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 600 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose



details are as follows:-

- (I)- Barahiya P.S. Case No. 206 of 2015.
- (II)- Barahiya P.S. Case No. 17 of 2016.
- (III)- Barahiya P.S. Case No. 63 of 2018.
- (IV)- Barahiya P.S. Case No. 250 of 2018.
- (V)- Barahiya P.S. Case No. 291 of 2018.
- (VI)- Barahiya P.S. Case No. 422 of 2018.
- (VII)- Barahiya P.S. Case No. 16 of 2019.
- (VIII)- Barahiya P.S. Case No. 204 of 2020.
- (IX)- Barahiya P.S. Case No. 147 of 2022.
- (X)- Maranchi P.S. Case No. 606 of 2018.
- (XI)- Birupur P.S. Case No. 17 of 2023.

(Dr. Anshuman, J.)

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