

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19315 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- MAHISHI District- Saharsa

Chandan Kumar S/o Dinesh Yadav R/o Vill - Chandrayan, Ward No. 13, P.S. -
Nauhatta, Dist. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mahishi P.S. Case No. 230 of 2023 dated 13.09.2023, lodged
under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons including the
present petitioner. From the possession of the petitioner, one
pistol and three live cartridges have been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that there is no recovery from the conscious possession of the
petitioner and he has been arrested only on the basis of
suspicion. He further submits that the petitioner is in custody

since 14.09.2023 having one criminal case pending against him in which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail (**only after six months of framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa in connection with Mahishi P.S. Case No. 230 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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