

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21461 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- KOTWA District- East Champaran

Sikandra Kumar @ Sikendar Kumar son of Sudish Rai Village- Sirisiya Ps-
Piprakothi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 394 of 2023 instituted for the offence under
Sections 392 & 34 of the Indian Penal Code and Sections 25(1-
B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that while the
informant was going to the house of his *Fufa*, he was accosted
with four miscreants, who snatched his mobile phone and cash
of Rs. 26,000/-. Thereafter, on ruckus, villagers assembled and
apprehended the co-accused, namely, Sikandar Kumar
(petitioner) and on search, there is recovery of one pistol, one
motorcycle and mobile phone from his possession.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12-11-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and the recovery is planted. Petitioner has no concern with the alleged recovered arms. It is next submitted that seizure list does not bear the signature of the petitioner. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 5 of the case diary, it is submitted that petitioner has confessed his guilt. It is next submitted that seizure list witness have supported the case, which fact finds mention in paragraph Nos. 9 & 10 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 394 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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