

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27080 of 2024

Arising Out of PS. Case No.-69 Year-2021 Thana- BALIGAON District- Vaishali

Chandan Kumar @ Babua Son Of Upendra Singh, Resident Of Village- Ali Sarai, PS -Sakra, Dist -Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan-II, Advocate Smt. Kumari Rupa, Advocate Smt. Priyanka Kumari, Advocate
For the Opposite Party	:	Ms. Sharda Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2024 Heard Mr. Pranav Kumar, the learned counsel for the petitioner and Ms. Sharda Kumari, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 28.10.2023, in connection with Baligaon P.S. Case No. 69 of 2021, FIR dated 03.06.2021, registered for the offences punishable under Sections 399, 402 and 414 read with Section 34 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to the prosecution case, after receiving secret information that some miscreants have assembled in the mango orchard of one Virval Singh for crime, the informant



along with police personnel reached at the place of occurrence and upon seeing the police, some persons managed to escape while two persons were apprehended by the police. It is further alleged that from the possession of apprehended persons one loaded country made pistol and one live cartridge have been recovered and one motorcycle has also been recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the name of petitioner transpired on the basis of disclosure made by the co-accused person namely, Kamlesh Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date, no *Test Identification Parade* has been conducted by the prosecution. He further submits that the co-accused persons namely, Kamlesh Kumar and Katta Yadav @ Alok @ Alok Kumar have been granted bail vide orders dated 20.12.2021 and 22.04.2022, passed in Cr. Misc. No. 49620 of 2021 and Cr. Misc. No. 66090 of 2021 respectively. He lastly submits that the police after investigation has submitted chargesheet against the petitioner and the petitioner is in judicial custody since 28.10.2023.

5. Learned counsel for the State on the other hand has



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that, the petitioner carries four criminal cases of similar nature, but he fairly admits on the basis of supplementary affidavit filed on behalf of the petitioner that petitioner is on bail on all the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that other co-accused persons have been granted bail and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Vaishali at Hajipur, in connection with **Baligaon P.S. Case No. 69 of 2021**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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)

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