

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22614 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- CHHATAUNI District- East Champaran

Bittu Kumar Son Of Shiv Kumar Yadav Resident Of Village - Dhawahi, P.S. -
Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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

ORAL ORDER

3 23-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Chhatauni P.S. Case No. 35 of 2024 instituted for the offence
under Section 414 of the Indian Penal Code and Sections 25(1-
B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one loaded country made pistol, five live cartridges and one
mobile phone from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-01-2024. Petitioner
bears three criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered arms. There is no compliance of Section 100 of the Cr.P.C. 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.

7. Considering the aforesaid facts and circumstances of the case, period of custody 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 Chhatauni P.S. Case No. 35 of 2024, 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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