

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28748 of 2024**

Arising Out of PS. Case No.-235 Year-2022 Thana- BAJPATI District- Sitamarhi

Chandan Kumar @ Chandan Pandit S/o- Ram Ekbal Pandit Village- Babu Narha Po- Bachopatti Ps- Bajpatti Dist- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      15-05-2024                      Heard Mr. Pushpendra Kumar Singh, learned counsel  
for the petitioner and Mr. Dr. Mrityunjaya Kr. Gautam

2. The petitioner is apprehending arrest in connection with Bajpatti P.S. Case No. 235 of 2022 instituted under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act lodged on 01.08.2022 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant, a Police Sub-Inspector alleged that upon information, he made a raid by surrounding orchard and apprehended three accused persons while two managed to escape. The apprehended persons Aman Kumar, Tribhuwan Kumar and Madan Kumar named the persons who escaped, which included this petitioner. From them a country made loaded pistol alongwith live cartridges, Vivo



mobile and SIM recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits he has been named by the accused persons before the Police, only because he has criminal antecedent, every incident in the locality, he found his name in the FIR. However, in all such cases, he is on bail.

5. Learned APP opposes the prayer stating that his name has come in the confessional statement and he has criminal antecedent.

6. Taking into account the aforesaid submission as also the fact that there is nothing recovered from his possession, his name has come in the confessional statement of the accused persons, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bajpatti P.S. Case No. 235 of 2022 to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Pupri Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

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

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

**(Rajiv Roy, J)**

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