

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40975 of 2024**

Arising Out of PS. Case No.-66 Year-2024 Thana- KAMTAUL District- Darbhanga

Nandan Kumar Son of Late Arun Singh Village- Narar, Ps- Kaluahi, Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 12-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Kamtaul P.S. Case No. 66 of 2024 registered for the

offences under Sections 399, 402, 413 and 414 of

Indian Penal Code and Sections 25 (1-B)a, 26 and 35 of

Arms Act.

3. The petitioner is named in the F.I.R and is in



custody since 09.03 2024.

4. The allegation against the petitioner is to involve in preparations for dacoity along with other co-accused persons and also to have in possession of stolen vehicle.

5. Learned counsel appearing on behalf of petitioner submitted that name of petitioner surfaced in the present case on the basis of disclosure made by apprehended co-accused persons before the informant, who is a police official. It is submitted that petitioner was apprehended from a mango orchard, where he was present with some other co-accused persons. It is submitted that at the time of arrest only mobile phone was in possession of the petitioner and merely on the basis of availability of a mobile phone a person cannot be said to be involved in preparations for dacoity. It is submitted that the alleged stolen vehicle in issue i.e., a Bolero car as per seizure list appears to be recovered from the front of the courtyard of the petitioner which is



an open place and easily accessible by general public and as such it cannot be said that recovery was made from the conscious physical possession of the petitioner. It is further submitted that the seizure list appears doubtful being not supported by independent witnesses, despite availability of all such witnesses in nearby localities, which also suggest false implication of petitioner. While concluding argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the aforesaid facts and circumstances and by taking note of fact as at the time of apprehension, save and except mobile phone nothing incriminating recovered from the possession of petitioner as to suggest his involvement in preparations for dacoity and moreover stolen vehicle appears to be recovered



from an open place, which is easily accessible by the general public, coupled with the fact as petitioner is in custody since 09.03.2024, where charge-sheet has already submitted, accordingly petitioner, above named is directed to be released on bail in connection with Kamtaul P.S. Case No. 66 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ist Class, Darbhanga./concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till



conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

S.Tripathi/-
Raj Ranjan/-

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