

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47646 of 2024

Arising Out of PS. Case No.-53 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Nandan Das @ Nandan Kumar Das S/o Raju Das R/o Mohalla - Sahara India
Gali, Donar Chock, P.S. - Laheria Sarai (Beta O.P.), Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

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

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

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Laheria Sarai P.S. Case No. 53 of 2018 instituted for the offence
under Sections 25(1-A)(1-B)a/26/35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one country made pistol and eleven live cartridges from the
house of Md. Ashraf on the confessional statement of co-
accused, namely, Dheraj Das.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 02-08-2022. Petitioner
bears four 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 possession of the petitioner, rather recovery is made on the basis of confessional statement. It is submitted that charge sheet has been submitted in this case and charge is also framed on 08-02-2023. There is no compliance of Section 100 of the Cr.P.C.

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 Laheria Sarai P.S. Case No. 53 of 2018, 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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