

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61165 of 2024

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

Pankaj Chaupal Son of Late Shivpal Chaupal resident of Village-
Gopalpur,P.S.-Kamtaul, 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. Pradeep Narain Kumar, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kamtaul P.S. Case No. 66 of 2024 instituted for the offences under Sections 399, 402, 413, 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, police, on the basis of secret information that some miscreants are planning to commit dacoity, raided the place of occurrence and apprehended accused persons. The apprehended persons disclosed the presence of other miscreants. On search, various arms and ammunicions were recovered from the accused persons. It is further alleged that two live cartridges and one mobile phone



was recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Learned counsel further submitted that T.I.P. has not been conducted till date. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.03.2024 and has six criminal antecedents. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted bail by this Bench vide order dated 02.08.2024 passed in Cr. Misc. No. 29285 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Kamtaul P.S. Case No. 66 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.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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