

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76472 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- BASANHI District- Saharsa

Chandan Kumar @ Chandeshwari S/o- Lori Mukhiya R/o- Mahinath Nagar
PS-Beldaur District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Rakesh Kumar Sharma, learned counsel for
the petitioner and the State.

2 The petitioner is in custody in connection with
Basnahi P.S. Case No. 101 of 2024 for the offence punishable
under sections 25(1-b)(a) of the Arms Act lodged on 03.06.2024
by the informant, Bablu Kumar.

3. As per the prosecution story, the informant alleged
that upon secret information, the Police raided the house and
found country-made loaded revolver as also live cartridges from
this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
because of the antecedent of the same nature, the Police planted
this recover/seizure theory putting him in custody since
04.06.2024 (paragraph-4 of the petition).



5. Learned APP opposes the prayer for bail submitting that there is recovery from the said place.

6. Taking into account the facts as also that the recovery is not from his conscious possession rather from his house, FIR lodged, will be facing the trial and is in custody since 04.06.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saharsa, in connection with Basnahi P.S. Case No. 101 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 appear before the concerned police station every fortnight for one year to mark his attendance;



(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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