

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32946 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Sahil Kishore son of Shyam Kishore Prasad @ Shyam Kishore, Resident of
Village- Balua Rampurwa, P.S.- Bairiya, District-West Champaran at present
resident of Mohalla- Kalibagh, Hanumant Nagar, P.S.- Kalibagh O.P.,
District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Bettiah
Town P.S. Case No.29 of 2019 registered under Sections 398,
402 and 120B of the Indian Penal Code and Sections 25(1-B)(a),
26 and 35 of the Arms Act.

It is submitted by the learned counsel for the
petitioner that there is no allegation that there was any attempt
to commit robbery or dacoity against the petitioner. Hence,
ingredients of the offence punishable under Section 398 of the
Indian Penal Code are not attracted. There is also no material to



corroborate that the petitioner along with three others named in the FIR had assembled for the purposes of dacoity. Hence, ingredients of the offence punishable under Section 402 of the Indian Penal Code are also not attracted. Though the country made pistol is alleged to have recovered from possession of the petitioner on 09.01.2019 at 7.30 p.m., the FIR was registered on 10.01.2019 and the petitioner along with FIR was forwarded to the court on 11.01.2019. As a matter of fact, the petitioner has been falsely framed in this case. He has got no criminal antecedent and his custodial interrogation is not warranted.

On the other hand, learned counsel for the State has submitted that the petitioner along with three others was apprehended while preparing to commit dacoity and from possession of the petitioner one country made pistol was recovered.

Be that as it may, considering the submissions made above, as the investigation of the case is over and the petitioner has got no criminal antecedent, he directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S.



Case No.29 of 2019 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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