

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40905 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- PUPRI District- Sitamarhi

Sarvesh Das Son of - Late Deep Narayan Das Resident of Village - Madhopur
Sultanpur, P.S. - Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular in a case registered under sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per allegation in the F.I.R., on receiving secret information that the accused persons were making preparation to give effect to an occurrence, it is stated that a raid was conducted. Three accused persons including the petitioner was caught and from possession of the petitioner a loaded country made pistol and three mobile phones were recovered.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the person or possession of the petitioner. He has been falsely implicated in



the case because of his antecedents. He is in custody since 10.8.2019.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is accused in as many as 18 cases from before.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for 2 years, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial No.495 of 2019 (arising out of Pupri P.S.Case no. 332 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

It is directed that the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial has been delayed due to non-cooperation on part of the petitioner, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

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(Partha Sarthy, J)

