

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4767 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- SONBERSA District- Sitamarhi

RAVI KUMAR Son of - Indradeo Sah Resident of Village - Sonbarsa, Ward
No. 11, Police station - Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 328 of 2021 registered for the offence
under Sections 399 and 402 of the IPC and Section 25 (1-b)a,
26/35 of the Arms Act.

The petitioner is named in the FIR and is in
custody since 24.11.2021.

The allegation against the petitioner is to have in
preparation to commit *Dacoity* and also assembled for *Dacoity*
and while so found in possession of one country made pistol and
one live cartridge.



Learned counsel appearing on behalf of the petitioner submitted that there nothing on record, which may suggest *prima facie* that the petitioner was preparing for *Dacoity* or assembled for committing *Dacoity*, mere having possession of one country made pistol and live cartridge. It is further submitted that the petitioner is involved in one another case of excise, in which, he is on bail. While arguing over the matter, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence and also nothing has been recovered from the conscious possession of the petitioner.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that recovery of fire arms was not made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, recovery of fire arms has not been made from the physical conscious possession of the petitioner and nothing surfaced during course of the investigation to connect the petitioner with preparation for *Dacoity*, let the petitioner, above named, is directed to be released on bail in connection with Sonbarsa P.S. Case No. 328 of 2021 on furnishing bail bond of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be wife of the petitioner, namely, Chandni Kumari, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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