

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5937 of 2022

Arising Out of PS. Case No.-407 Year-2021 Thana- PATRAKARNAGAR District- Patna

Dipak Kumar @ Bhairo Son Of Gorakh Mahto R/O Mohalla- Khemnichak,
Behind Durga Temple, P.S.- Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Patrakar Nagar P.S. Case No. 407 of 2021 registered for the alleged offences under Sections 399, 402 of the Indian Penal Code and Sections 25 (1-b) a, 26 of the Arms Act.

The prosecution case is that the petitioner and other co-accused persons were apprehended while making preparation for dacoity and from this petitioner, one country made pistol and one live cartridge were recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from conscious possession of the petitioner. There is no independent witness to the seizure list. The copy of the seizure list has not been provided to this petitioner. There is one criminal case pending against this petitioner, but he is on bail in that case. Learned counsel further submits that other co-accused namely Rahul Raj has been granted bail by a Coordinate Bench of this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 70436 of 2021 and the case of the petitioner is on similar footing. The charge sheet has been submitted in this case and the petitioner is in custody since 31.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red-handed with a country made pistol and a live cartridge.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted in this case and the petitioner is in custody since 31.07.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-
VIII, Patna in connection with Patrakar Nagar P.S. Case No. 407
of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.

(ii) One of the bailors will be a close relative of
the petitioner.

(iii) The petitioner will remain present on each
and every date fixed by the court below.

(iv) In case of absence for three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

