

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67056 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- KHARHAGPUR District- Munger

Sudhir Prasad Sah Son of Late Phago Sah R/O Village- Badi Mundheri, P.S.-
Kharagpur, Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10440 of 2022

Arising Out of PS. Case No.-260 Year-2020 Thana- KHARHAGPUR District- Munger

SAURAV KUMAR SAH S/o Sudhir Prasad Sah Resident of Village- Badi
Murheri, P.S.- Haveli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67056 of 2021)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 10440 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022

Cr. Misc. No. 10440 of 2022

Heard the parties.

Learned counsel appearing on behalf of petitioner
submitted that petitioner is not pressing the bail petition,
for the present.

Considering the submission, the present bail



petition is disposed of, for the present, as not pressed.

Cr. Misc. No. 67056 of 2021

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 Kharagpur P.S. Case No. 260 of 2020 registered for the offence under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(i), (26)(ii) and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 04.10.2021.

The allegation against the petitioner is to involve in illegal manufacturing of fire arms, along with other co-accused persons/family members, wherein 10 partly constructed pistol, one Carbine, etc., were recovered from the house.

Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is available against co-accused Saurabh Kumar Sah, who is the son of the present petitioner, where petitioner has been implicated only being the father of main co-accused. It is further pointed out that compliance of Section 100(4) of the Cr.P.C. was not made in present case, while searching the house. It is also submitted that entire seizure list is disputed, as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner



is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the thrust of allegation is available against co-accused Saurabh Kumar Sah, who is the son of this petitioner coupled with the fact that petitioner is in custody since 04.10.2021, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kharagpur P.S. Case No. 260 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Munger/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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