

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16674 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATTI District- Sitamarhi

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GAGAN DAS Son of Khehru Das Resident of village - Sursand, P.S.-
Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17384 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATTI District- Sitamarhi

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RAM BHAROS @ RAM BHAROS SAH Son of Ganesh Sah Resident of
Village - Premnagar, P.s.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA Govt. of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32759 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATTI District- Sitamarhi

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ANGAD RAUT @ DHAMAN RAUT SON OF MISHRI RAUT RESIDENT
OF VILLAGE- SURSAND, WARD No.- 18, P.S.- SURSAND, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
HOME, NARCOTIC DRUGS CONTROL BUREAU, NEW DELHI GOVT.
OF INDIA
2. THE STATE OF BIHAR THROUGH DEPARTMENT OF NARCOTIC
DRUGS CONTROL BUREAU, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 16674 of 2022)

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP



(In CRIMINAL MISCELLANEOUS No. 17384 of 2022)
For the Petitioner/s : Mr. Dinesh Jha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP
(In CRIMINAL MISCELLANEOUS No. 32759 of 2022)
For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. K.N. Singh (A.S.G.)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2022

IN CR. MISC. NO. 16674 OF 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 Bajpatti P.S. Case No. 369 of 2021 registered for the offence under Sections 399, 402, 413 and 414 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 8/20(b)(ii)(c)/22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.12.2021.

The allegation against the petitioner is of making preparation for dacoity and habitually dealing in stolen property and assisting in concealing thereof and further found in possession of firearms and certain quantity of narcotic drugs along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that from perusal of seizure list, it appears that petitioner having possession of iron “*Sarsi*” and one iron instrument locally known as “*Ankusha*”, which may used as weapons. It is also submitted mere on the ground of recovery of iron “*Sarsi*” and “*Ankusha*”, petitioner cannot be said to be involved in preparation of dacoity. There is no recovery of stolen property and narcotic drugs from the possession of this petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that no stolen property and alleged contraband was recovered from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation to connect this petitioner with preparation of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bajpatti P.S. Case No. 369 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 Special Judge, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 17384 OF 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 Bajpatti P.S. Case No. 369 of 2021 registered for the offence under Sections 399, 402, 413 and 414 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 8/20(b)(ii)(c)/22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.12.2021.

The allegation against the petitioner is of making preparation for dacoity and habitually dealing in stolen property and assisting in concealing thereof and further found in possession of firearms and certain quantity of narcotic drugs along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of seizure list, it appears that petitioner having possession of only one iron instrument locally



known as “*Ankusha*”, which may used as weapons and mobile belongs to this petitioner. It is also submitted mere on the ground of recovery of “*Ankusha*” and mobile, petitioner cannot be said to be involved in preparation of dacoity. There is no recovery of stolen property and narcotic drugs from the possession of this petitioner. It is submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that no stolen property and alleged contraband was recovered from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation to connect this petitioner with preparation of dacoity, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bajpatti P.S. Case No. 369 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 C.J.M., Sitamarhi/concerned



court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 32759 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Considering the submissions advanced by learned counsel appearing on behalf of the petitioner, Superintendent of Police, Sitamarhi, is directed to ensure the presence of I/O concerned before this Court along with FSL report of recovered/seized contraband, positively, on the next date of hearing, in connection with Bajpatti P.S. Case No. 369 of 2021 from the court of learned Special Judge, NDPS, Sitamarhi.

Put up this case on 07.11.2022.

(Chandra Shekhar Jha, J)

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