

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18119 of 2022**

Arising Out of PS. Case No.-948 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Ranjan Kumar S/o Moti Ray @ Moti Lal Ray Resident of Village - Anwarpur,
Mal Godam, P.S. - Town Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 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 Hajipur
Sadar P.S. Case No. 948 of 2021 registered for the offence under
Sections 399, 402 and 414 of the Indian Penal Code and
Sections 25(1-B)A, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.10.2021.

The allegation against the petitioner is to participate in
preparation of dacoity, alongwith other co-accused persons and



while doing so, found in possession of one loaded country made pistol.

Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation, which may suggest on its face that participation of the petitioner with the other co-accused persons was in connection with preparation of dacoity. It is submitted that seizure list is disputed, in view of Section 100 of Cr.P.C., as same is not supported by independent witnesses. Learned counsel pointed out that petitioner is involved in one more criminal case and this fact was brought on record by way of supplementary affidavit dated 18.07.2022. While concluding the argument, it is submitted as petitioner found in possession of fire arm, same may not lead to a presumption, *ipso facto*, that petitioner was preparing for dacoity and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chances of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that it appear that seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned



above, as seizure list is appearing disputed on its face in want of independent witnesses coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 948 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 Chief Judicial Magistrate, Vaishali at Hajipur/concerned Court, subject to the following conditions:

“(i) That accused/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) Accused/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
Munna Kumar, who is the brother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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