

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19638 of 2022**

Arising Out of PS. Case No.-361 Year-2021 Thana- MUFFASIL District- West Champaran

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DASHRATH KUMAR SONY @ DASHRATH KUMAR Son of Dhrup Sah
@ Dhrup Prasad Resident of Village - Parsauni, P.O. Nauwa Dih, p.s.-
Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava

For the Opposite Party/s : Mr.Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Bettiah

Muffasil P.S. Case No. 361 of 2021 registered for the offence

under Sections 399, 402, 412, 413 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 06.06.2021.

The allegation against the petitioner is to make a

preparation for committing dacoity along with other co-accused



persons and while making preparation found in possession of one country made pistol and 4 live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that the involvement of the petitioner as regard to preparation of daocity is based upon self confession, where, nothing surfaced during course of the investigation to suggest that petitioner was involved in any preparation for dacoity. It is also submitted that the seizure list as regard to recovery of country made pistol and live cartridges is disputed for the reason, as same is not supported by the independent witnesses. It is also submitted that petitioner has been involved in the present case, only for his criminal antecedents, naming 06 (six) criminal cases, out of which he is on bail in 05 cases. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 68094 of 2021 dated 26.04.2021. 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 for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned



above, as nothing incriminating surfaced during course of investigation to suggest *prima-facie* involvement of petitioner as regard to alleged preparation for dacoity in the background of disputed seizure list 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 Bettiah Muffasil P.S. Case No. 361 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, Bettiah, West Champaran/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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