

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22378 of 2022

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

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BADRI MAHTO Sono f Jagdish Mahto Resident of Village - Sursand, Ward
No.13, P.s.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Advocate

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

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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 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. It is also submitted mere on the ground of recovery of “*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. 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 Special Judge, Sitamarhi/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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