

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24823 of 2022

Arising Out of PS. Case No.-368 Year-2020 Thana- MANJHI District- Saran

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Amit Sah, Son of Bhagwan Sah Resident Of Village- Bharkhopur Ke
Mathiya, P.S- Ekma, Dist- Saran At Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and the

State.

Let the defect(s), if any, as pointed out by the

office, be removed within four weeks.

The petitioner is in custody in connection with

Manjhi P.S. Case No. 368 of 2020 under sections 399, 402 of

the Indian Penal Code, section 25(1-b)a, 25a/26/35 of the Arms

Act and Section 30(a) of Bihar Prohibition and Excise Act.

The prosecution case is that upon information, the

police raided the house of Sumit Singh. As the police reached

the place, while two persons escaped, five persons sitting on a

cot were apprehended and were named themselves as Rohit

Kumar Singh, Ranjan Singh, Himanshu Patel, Ranvijay Singh

and Amit Sah, the petitioner herein before this Court. Upon



search, a pistol and two cartridges as also two bottles of liquor besides mobile phone were recovered/seized. Other seized articles included mobile, chinese knife. So far this petitioner is concerned, allegation of recovery of one pistol and mobile is there.

Learned counsel for the petitioner submits that it was a common room, he had no role to play in the matter, police just implicated him only because he has criminal antecedent and he is in jail since 19.12.2020 (as stated in para-17 of the bail application).

Taking into account the aforesaid fact as also that the charge-sheet stands submitted and the petitioner is in custody since 19.12.2020, this Court is inclined to grant him the privilege of bail but with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) with two sureties of like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra, in connection with Manjhi P.S. Case No. 368 of 2020 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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