

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26466 of 2022**

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

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DHARMENDRA JHA SON OF BHOGI JHA @ YOGI JHA RESIDENT OF
VILLAGE- SURSAND, P.S- SURSAND, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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

2 02-09-2022 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 under Section
8, 20(b)(ii)(c) and 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 to participate in
preparation of dacoity, habitually dealing in concealment of



stolen property and further to have in possession of fire-arms and narcotic drugs along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that as per seizure list, there is recovery of only one small “Khanti” from the possession of the petitioner without any recovery of fire-arms and contraband. It is submitted that seizure list is not bearing signature of the petitioner and as such it cannot be said that recovery of “Khanti”, as alleged, was made from physical possession of the petitioner. It is further submitted that seizure list is disputed as same is not bearing signature of independent witnesses, rather same is supported by police personnel. While concluding the argument, it has been submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that there is no recovery of firearms and contraband from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, in the background that no fire-arms and contraband were recovered from the physical possession of the petitioner 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 Sessions Judge, Sitamarhi/concerned court, subject to the following conditions:

(i) 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.

(ii) That one of the bailors shall be Shivam Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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