

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.28435 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- SONBERSA District- Sitamarhi

Dharmendra Kumar @ Dharmendra Sahani S/O Mithilesh Sahani @  
Mithalesh Sahani R/o village- Jankinagar, P.S.- Sonabarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhubala Verma, Advocate  
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      24-08-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 399, 402 and 414 of the  
Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms  
Act.

According to prosecution case, the informant Ravinder  
Kumar's, S.H.O. stating therein that on 08.01.2022, when he  
alongwith the members of his raiding party was roaming in gasti  
for investigation in some case, he got secret information that  
miscreants orchard of Ranbir Singh, north of pond east of  
village Choti Singhwahini. It is stated that the informant after



informing his higher officials reached at the alleged place and after seeing the police, the miscreants started running but on chase, they were caught and on inquiry they told their name to be 1. Sunil Sahni armed with one .315 bore loaded country made pistol on left side of the waist along with one live cartridge and two mobiles, 2. Sunil Sahni with two robbed mobiles, 3. Manish Kumar armed with one sharp edged knife having total length of 11 fingers, 4. Lalbabu Kumar armed with one sharp edged knife having total length of Nine fingers and 5. Vikas Kumar armed with one sharp edged knife with total length of eleven fingers along with mobile. It is stated that the accused did not produce any satisfactory papers for the articles recovered and accordingly, they were arrested.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that all together two mobile phones of Vivo company have been recovered from the possession of the petitioner and there is no case is made out against the petitioner under the Arms Act. He further submits that similarly situated, co-accused, namely, Lalbabu Kumar, Vikash Kumar, Sunil Sahni have been granted bail by this Court vide order dated



05.08.2022 passed in Cr. Misc. No. 18995 of 2022, Cr. Misc. No. 19012 of 2022 and Cr. Misc. No. 19200 of 2022 and another co-accused namely Manish Kumar has been granted bail by this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 20823 of 2022. The petitioner is in custody since 09.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sonbarsa P.S. Case No. 09 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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