

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39671 of 2021**

Arising Out of PS. Case No.-96 Year-2021 Thana- KATRA District- Muzaffarpur

Shiv Shankar Sah S/O Ramji Sah R/O Village- Dhanaur, P.S.- Katra, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shharma, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Parmeshwar Mehta, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Katra P.S. Case No. 96 of 2021
registered for the offences punishable under Sections 414,
120(B), 34 of the Indian Penal Code, Section 25(1-b)a, 26 and
35 of the Arms Act and Section 3 and 4 of Explosive Substances
Act. He has no criminal antecedent and has remained in custody
since 15.04.2021.

Learned counsel for the petitioner submits that as per
the allegations, this petitioner along with co-accused phuleshwar



Sahni had threatened the villagers on 29.03.2021 on the eve of Holi. Allegedly they were carrying a hand grenade. At the time of occurrence, when the petitioner and co-accused were chased by the people, they ran away but they were seen again in the village on 14.04.2021 and this was informed to the police party. Later on, police apprehended co-accused Phuleshwar Sahni and raided the house of this petitioner. From the house of this petitioner, one .315 bore rifle and a cartridge were recovered from one of the rooms. It is alleged that on the disclosure made by this petitioner, the house of co-accused Santosh Sah was raided and from his possession a hand grenade was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The allegations are based on confessional statement of the co-accused and the recovery of rifle from the house of the petitioner cannot be said to be from conscious possession as there is no material to show that the petitioner was in control of the entire house and particularly the said room. He has pleaded that the house is a joint house where the petitioner lives with his brothers and other family members.

It is lastly submitted that in any case, the petitioner has remained in custody for 10 months, investigation against



him is complete, he has no criminal antecedent and is ready to abide by such terms and conditions which may be imposed upon him for purpose of bail.

Learned APP for the State has opposed the prayer for bail of the petitioner. This Court has been informed that a chargesheet has already been filed in this case.

Considering the facts and circumstances showing that one .315 bore rifle and one cartridge is said to have been recovered from the house of the petitioner but the said house is said to be a joint family house and at this stage, the petitioner has remained in jail for 10 months, having no criminal antecedent and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Muzaffarpur in connection with Katra P.S. Case No. 96 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

