

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31985 of 2022

Arising Out of PS. Case No.-46 Year-2019 Thana- SUPPI District- Sitamarhi

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DHIRAJ KUMAR SINGH S/o Lalan Singh Resident of Village- Basant
Khurd, P.S.- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 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 Section 120(b) of the Indian Penal
Code and Section 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, some mobile phone
and country made pistols were recovered from the house of co-
accused Ram Naresh Sah. Petitioner has been implicated as
being one of the persons who fled away from the place of
recovery.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of suspicion. He further submits



that it appears from the F.I.R. that two loaded country made pistol and five cartridges have been recovered from the Bathan of the co-accused namely Naresh Sah. He further submits that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by co-accused namely, Naresh Sah. He further submits that similarly situated, co-accused, namely, Chandeshwer Sah, Sanjay Mahtoi @ Lalwa, Sunil Singh have been granted bail by the different Benches of this Court vide orders dated 17.09.2019, 13.01.2020 and 16.01.2020 passed in Cr. Misc. No. 58597 of 2019, Cr. Misc. No. 75218 of 2019 and Cr. Misc. No. 85141 of 2019 respectively. The petitioner is in custody since 30.08.2019.

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

Considering the aforesaid facts and circumstances as well as period of custody, 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 Suppi P.S. Case No. 46 of 2019,
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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