

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45330 of 2021

Arising Out of PS. Case No.-268 Year-2018 Thana- MADHAURAH District- Saran

Prakash Sah Son of Kanhaiya Sah Resident of Village - Dahiyawan, P.S. -
Chapra Town, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with
Marhowrah (Gaura O.P.) P.S. Case No. 268 of 2018 instituted
for the offences under Sections 399 and 402 of the Indian Penal
Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.03.2021 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
allegation is of recovery of a country-made pistol, cartridges and
dagger from the apprehended accused and the name of the
petitioner was disclosed by the accused who were arrested from
the spot.



Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his possession and his name came based on the confessional statement of co-accused. Learned counsel further submits that police has falsely implicated the petitioner based on his antecedents when he was not even present at the place of occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 25.03.2021, charge-sheet has been submitted in the case, he was not arrested from the spot and his named transpired in the confessional statement of co-accused, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Saran at Chhapra in connection with Marhowrah (Gaura O.P.) P.S. Case No. 268 of 2018 with a condition that one of the bailors shall be the father of the petitioner (Kanhaiya Sah).

Learned counsel for the petitioner submits that he has filed a supplementary affidavit rectifying the pleadings made in



paragraph '1' of the bail application and has also brought on record the impugned order wherein it was inadvertently typed as Mashrakh P.S. Case No. 268 of 2020 instead of Marhowrah (Gaura) P.S. Case No. 268 of 2018.

(Satyavrat Verma, J)

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