

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38436 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- BHELDI District- Saran

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Pintu Sah @ Pintu Kumar Son of Lagandeo Sah, Resident of Village -
Pachrukhi, P.S. - Bheldi, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bheldi P.S. Case No. 65 of 2022 registered for
the alleged offences under Sections 399, 402, 414, 413 of the
Indian Penal Code and Section 25(1-B)A/26, 35 of the Arms
Act.

As per prosecution case, the police received secret
information about assembly of some miscreants planning to
commit some big crime. A raid was conducted and two
miscreants were apprehended while they tried to flee away on a
motorcycle. From their possession, a loaded country made pistol



with magazine and five live cartridges and a loaded country made *katta* with one live cartridge, apart from a mobile phone were recovered. The apprehended co-accused persons named the petitioner and other co-accused who fled away from the spot. They also disclosed that they bought the motorcycle from the petitioner and the said motorcycle was a stolen one. Thereafter, a raid was conducted in the house of the petitioner who was apprehended from the spot and from his possession a master key and a mobile phone were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The stolen motorcycle was not recovered from the person or possession of this petitioner, who was not apprehended from the spot and was arrested from his house. There would be no application of Sections 399 and 402 of the Indian Penal Code. The petitioner is in custody since 02.03.2022 and charge-sheet has been submitted.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is a habitual offender and is an accused in large number of cases.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation coupled with the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Bheldi P.S. Case No. 65 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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