

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40678 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- SIKARPUR District- West Champaran

RAMESH KUMAR SAH S/o Binda Sah R/o Village- Sabni Chowk, Ward
No. 11, P.S. Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner has filed seizure
list, let it be kept on record.

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tr. No.
2888/2021 arising out of Shikarpur P.S. Case No. 331/2021
registered for the offences punishable under Section 284 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

As per prosecution case, there is alleged recovery of
one live cartridge alongwith intoxicant tablets and one mobile
phone from the possession of the petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. No incriminating article has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 09.07.2021 and bears criminal antecedent of one case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Manish Kumar from whom alleged recovery was made, has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.5745/2022 and the case of present petitioner stands on better footing.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Tr. No. 2888/2021 arising out of



Shikarpur P.S. Case No. 331/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

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

