

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44544 of 2022**

Arising Out of PS. Case No.-292 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Md. Hakim Son Of Md. Usman @ Mohammad Usman R/O Village- Saharsa
Basti, Ward No.-38, P.S.- Saharsa, District- Saharsa (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 29-11-2022 The learned counsel for the petitioner is directed
to remove all the defects pointed out by the Stamp Reporter
within one month.

Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Saharsa
Sadar P.S. Case No. 292 of 2022 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Sections 25 (1-B) (a), 26 and 35 of the Arms Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place and apprehended this petitioner with other co-
accused persons and upon making search a mobile phone was
recovered from the possession of this petitioner. The petitioner

is alleged to be the member of a gang of dacoits who were planning to commit dacoity.

The main submissions advanced by learned counsel Mr. Anant Kumar 1, appearing for the petitioner are that as per the prosecution only one old mobile phone was alleged to have been recovered from the possession of this petitioner and except this any other material was not recovered and the petitioner has fair and clean antecedent and two similarly situated co-accused persons have been granted bail by this Bench vide order passed in Cr. Misc. No. 43397 of 2022 and the petitioner has been languishing in jail since 14.04.2022.

Learned APP Mr. Dilip Kumar No. 1, appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of this case, considering the above submissions and also the facts that the petitioner has clean antecedent and he has been languishing in jail since 14.04.2022 and only one mobile phone alleged to have been recovered from the possession of this petitioner and several persons including the petitioner were found at the lodge where they had assembled when the police raided the said lodge and the recovery of the firearms was alleged to have been made from the possession of other co-accused persons, in the opinion

of this Court a lenient approach can be taken in respect of the petitioner’s prayer. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Sahrasha Sadar P.S. Case No. 292 of 2022.

(Shailendra Singh, J.)

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