

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51931 of 2021

Arising Out of PS. Case No.-261 Year-2021 Thana- SAKRA District- Muzaffarpur

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DEVEN KUMAR @DEVEN SAH Son of Late Mohan Sah Resident of
Village - Majhauriya, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-04-2022 Heard learned counsel for the petitioner through
video conferencing in view of COVID 19.

Learned APP for the State is absent.

The matter relates to Sakra P.S. Case No. 261 of 2021
lodged on 28.04.2021 in connection with Motipur P.S. Case No.
239 of 2020 registered under Section 414 of the Indian Penal
Code and Section 25(1-b) (a) and 26 of the Arms Act.

The prosecution story, as unfolded in the First
Information Report, is that the Dy. S.P cum SHO of Sakra
Police Station while patrolling on 28.04.2021 and checking the
vehicles found that one person is trying to flee leaving his
motorcycle. The police party caught hold of him who disclosed
his name as Devan Sah, the petitioner herein. On search, a
loaded country made pistol and live cartridges were recovered.



The petitioner was asked for the documents of the motorcycle and the pistol which he failed to produce. This resulted into his arrest and institution of the First Information Report in question.

Learned counsel for the petitioner submits that the motorcycle was not recovered from his conscious possession and even the recovery of the pistol and cartridges are doubtful.

Considering the fact that the petitioner is in judicial custody since 29th of April, 2021, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XII, East Muzuffarpur in connection with Sakra P.S. Case No. 261 of 2021 with the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall submit an affidavit to this effect showing his *bona fide*;

(ii) he shall visit the concerned police station every fortnight for next six months;

(ii) he shall cooperate in the trial and ensure his presence on each and every date and failure to do so for two consecutive dates without sufficient reason will lead to initiation of process for cancellation of his bail bonds by the State.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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