

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42762 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- SAHARSA SADAR District- Saharsa

SAHIL KUMAR Son of Sri Ajay Kumar singh Resident of village- Tengraha
Ward no. 13, P.S- Bakhtiyarpur and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 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
Saharsa Sadar P.S. Case No. 371 of 2022 registered for the
offences punishable under Sections 399, 402, 120-B of the Indian
Penal Code and Sections 25(1-b), a, 26 and 35 of the Arms Act.

As per prosecution case, informant got information
that some miscreants armed with weapons are planning for
committing crime. Informant with other police personnel
proceeded to verify the same. It is further alleged that one vivo
mobile is recovered from the possession of the petitioner and other
articles were recovered from the co-accused persons.



Learned counsel for the petitioner submits that petitioner is in custody since 21.05.2022. Petitioner bears no criminal antecedent. No incriminating article has been recovered from the possession of the petitioner except his own mobile. He further submits that petitioner has been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Chief Judicial Magistrate at Saharsa in connection with Saharsa P.S. Case No. 371 of 2022, 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)

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