

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50638 of 2022

Arising Out of PS. Case No.-350 Year-2022 Thana- KHAGARIA District- Khagaria

POORAN SAH S/O LATE BADDO SAH Resident of village- Chharra Patti,
Rangra, P.S.- Tikapatti, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Special Case No. 20 of 2022 arising out of Khagaria (Muffasil)
P.S. Case No. 350 of 2022 for the offence punishable under
Sections 399, 400, 402, 307, 323 and 332 of the Indian Penal
Code.

The case of the prosecution, in brief, is that on
22.04.2022 at about 20:30 P.M. the informant received secret
information that one Ajay Singh was making preparations for
committing dacoity along with some other criminals, whereafter
the informant along with his police force had reached near the
hut of one Kanti Devi and had heard noise of certain persons,
whereupon the informant ordered the criminals to surrender,



however, instead the accused person fired a bullet upon the police party leading to exchange of firing in-between the police party and the criminals. It is further alleged that when the criminals were trying to escape, the police force arrested the accused persons including the petitioner herein from the spot. As far as the petitioner is concerned, one country made pistol along with one empty.315 bore khokha was recovered besides recovery of arms and ammunition from the other co-accused persons. It is further alleged that from the brick asbestos house of the co-accused person namely Kanti Devi, 2.300 kg. ganja was seized.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 24.04.2022. It is further submitted that the petitioner is only alleged to be in possession of an illicit country made pistol along with one used cartridge, hence, considering the period of incarceration of the petitioner herein, he be granted the privilege of bail.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is a member of an organized gang which was



planning to commit dacoity.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that as far as the petitioner is concerned, the police force had recovered only one country made pistol and one used cartridge, he has not been alleged to have engaged in any firing, he is having a clean antecedent, a fact which shall be verified by the learned court below before granting bail to the petitioner and is languishing in custody since 24.04.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Vth-cum-Special Judge, N.D.P.S., Khagaria in connection with Special Case No. 20 of 2022 arising out of Khagaria (Muffasil) P.S. Case No. 350 of 2022.

(Mohit Kumar Shah, J)

S.Sb/-

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

