

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63325 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- DHANSOI District- Buxar

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ROHIT KUMAR RAI @ SUMAN RAI Son of Shambhu Sharan Rai @ Dau
Ji Rai R/o Village- Khochriha, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

7 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dhansoi
P.S. Case No. 71/2021 registered for the offences punishable
under Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
gun, rifle, mauser, pistol (total five in number) and 121 live
cartridges kept under bed and in almirah from the joint house of
co-accused and petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 06.08.2021
and bears one criminal antecedent which has registered on same
day after the present occurrence. Nothing has been recovered



from the conscious possession of the petitioner and even as per FIR, the alleged recovery was made out from the joint house of co-accused, Shambhu Sharan Singh and his three brothers. The said alleged recovery is from the room of Sharda Devi, wife of Shambhu Sharan Singh, which is evident from the seizure list. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is alleged recovery from the joint family house of petitioner.

Considering the facts and circumstances of the case, period of custody, as per seizure list the alleged recovery has been made from the joint house of the petitioner, argument advanced on behalf of both sides, 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 **after framing of charge**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Buxar in connection with Dhansoi P.S. Case No. 71/2021, 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)

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