

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64992 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- KASBA District- Purnia

SATISH KUMAR S/o Sri Sanjay Rai R/v Jafarabad Dih, P.S.- Raghopur, Distt-  
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate  
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      30-08-2022      Heard learned counsel for the petitioner and learned APP  
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kasba P.S. Case No. 89 of 2021 registered for the alleged offences under Sections 399, 402 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act and Section 51 of the Disaster Management Act.

As per prosecution case, the police received secret information about some criminals making plan to commit some crime and on the basis of information, a Tata Tiago car was intercepted and five persons including this petitioner were apprehended. From co-accused Ankit Kumar, a pistol along with



magazine containing live cartridge was recovered apart from mobile phone. Further, recovery of country made pistol along with live cartridge was made from beneath the mat of the vehicle and from the possession of this petitioner, only a mobile phone was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from him as is evident from the FIR. Nothing incriminating has been recovered from the possession of this petitioner. From the facts of the case, it is apparent no offence under Sections 399 and 402 of the Indian Penal Code is made out against the petitioner. There has been violation of Section 100 Cr.P.C. Since no arms and ammunition were recovered from the possession of the petitioner, he is not liable for the offence registered under Arms Act. The other co-accused namely Vikash Kumar and Mukesh Kumar have been granted bail by a Coordinate Bench vide order dated 04.04.2022 passed in Cr. Misc. No. 56765 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 13.05.2021. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was arrested in the company of dacoits and was making preparation for committing dacoity.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and also



considering the period of custody along with submission of charge sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 89 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

