

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67054 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- RAHIKA District- Madhubani

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Laxman Sah @ Satyam Prakash S/O Ramprit Sah R/o village- Korahiya,
P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, in brief, it is alleged by the informant Arun Kumar, SHO, Rahika that he was on night patrolling on 16.04.2021 at 6:00 P.M. along with other police personnel and got secret information that at Pokhrauni non-functional petrol pump 4 motorcycles and 7-8 boys have assembled, reached there and the accused seeing the police



vehicle started fleeing away. Accused Raju Sah was riding pulsar motorcycle and other who was riding Yamaha disclosed his name Laxman Sah. Other accused persons who were fleeing was also apprehended who disclosed his name Shankar Sah and Trilok Kumar Singh. On search of Raju Sah was found tucking a countrymade loaded *katta* with a live cartridge of 303 bore of given description in the left side of waist. On search of Laxman Sah also found tucking a country made loaded countrymade pistol with 3.15 bore live cartridges in his waist. On search of Trilok Kumar Kumar was found a mobile set. On being asked all these four accused persons failed to produce any document with regard to these arms. They were arrested and Laxman Sah on interrogation disclosed the name of other four persons who fled away to be Dashrath Sah, Umesh Singh, Rajiv Ranjana nd Raghu Chaudhary. They told that they have assembled there to rob a business man coming from Kaluahi side.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that one country made pistol and one live cartridge has recovered fromd the possession of the petitioner. He further submits that similarly situated co-accused Raju Sah @ Satyam Prakash has



been granted bail by this Court vide order dated 21.04.2022 in Cr. Misc. No. 59305 of 2021 and another co-accused namely Sonu Kumar has been granted bail by this Court vide order dated 12.04.2022 in Cr. Misc. No. 58548 of 2021 respectively and the petitioners are in custody since 17.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Rahika P.S. Case No. 58 of 2021 corresponding to C.R.I. No. 715 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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