

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3033 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- DHANSOI District- Buxar

DINANATH RAM @ DINANATH PASWAN Son of Late Sahtu Ram
Resident of Village- Bahuwara, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 26.07.2022 in connection with Dhansoi P.S. Case No.109 of 2022, F.I.R. dated 26.07.2022 registered for the offence punishable under Sections 147,148,149,353,323,307,333,506 of IPC, 1860 and Sections 25(1-b)a,26,27 and 35 of the Arms Act.

According to prosecution case, the informant Kamal Nayan Pandey who is A.S.I.. of Dhansoi police station alleging therein that on 25.07.2022 on the basis of secret information of co-villager police party chased two persons who were open firing in air and tried to escaped away but both were nabbed, who disclosed their names to be Ram Murat Ram (co-accused) and from his possession one loaded Katta, three live and five



empty cartridges were recovered and another Laxman Ram and from whose possession nothing was recovered but later on police has recovered a country made Katta and one live cartridge from the water of canal which was hidden by co-accused Laxman Ram. It is further alleged that police party have been further informed that some person are still present in the house of Laxman Ram thereafter police proceed in the house of Laxman Ram and wherefrom six persons were apprehended who were disclosed their names to be Vijay Kumar @ Vijay Ram from his possession a country made Katta is said to be recovered, Rabindar Ram, Upendra Ram @ Upendr Kumar, Dinanath Ram(petitioner), Suresh Ram, Satendra Ram. Though in search only one Katta is said to be recovered from the possession of co-accused Vijay Ram and the police has prepared seizure list with regard to the seized fire arms.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and it appears from the FIR as well as the seizure list that no arms has been recovered from possession of the petitioner and only one mobile phone has been recovered from possession of the petitioner. In fact the arms has been



recovered from co-accused persons, namely, Ram Murat Ram and Vijay Kumar @ Vijay Ram and co-accused-Ram Murat Ram has been granted bail by this Court vide order dated 21.03.2023 passed in Cr. Misc. No.66975 of 2022 and another co-accused, namely, Satendra Bind has also been granted bail by this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 57744 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-2 of the supplementary affidavit.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Buxar in connection with Dhansoi P.S. Case No.109 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(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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