

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17744 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- BABUBARHI District- Madhubani

SANJAY KUMAR SAH @ SANJAY SAH @ SANJAY SINGHANIYA Son
of Ramaprit Sahu Resident of Village - Korahiya, P.S.- Jaynagar, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The prosecution case relates to recovery of one country made loaded pistol with five live cartridges, mobile phone and one motorcycle from the possession of the petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case by the police due to local village politics and previous criminal antecedent. The



petitioner has no concern with alleged recovery of arms and motorcycle. In fact, on the date of occurrence petitioner was going towards his relatives place but he was caught by the police party forcibly and taken his signature on some plain paper. This case is triable by the court of Judicial Magistrate. It is further submitted that petitioner is languishing in judicial custody since 28.09.2022.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Babubarhi P.S. Case No. 225 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Madhubani on following conditions:-

(1) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or threaten the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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