

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29445 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Shohit Kumar Thakur S/O Bharat Thakur Resident of Village- Dhobinia, P.S.-
Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pallavi Lala, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Naugachia P.S. Case No. 262 of 2022 dated 01.09.2022, lodged
under Section 399/ 402 of the I.P.C. read with Sections 25(1-b)a,
26, 35 of the Arms Act.

4. As per the prosecution case, the F.I.R. has been
lodged against nine named accused persons against whom the
allegation for preparation of dacoity is there.

5. Learned counsel for the petitioner submits that in
the F.I.R., upon the secret information, the police have raided
and *gasti* team have apprehended the petitioner. From the

present petitioner, one loaded *desi katta* and one live cartridge was recovered as per the F.I.R. Subsequently, it has been shown that from the present petitioner, Rs.6,000/-, 12 notes of Rs.500/- have also been recovered. Counsel submits that petitioner is innocent and has committed no offence. He further submits that the petitioner is in custody since 02.09.2022 and there is one case pending against him and that case is also related with the present F.I.R. where co-accused Chandan Kumar has confessed about the case of robbery, prior to that the antecedent of the petitioner is clean.

6. Learned counsel for the petitioner further submits that for the arms, the petitioner is in custody since about nine months. Counsel further submits that the said recovery is petty amount *i.e.* Rs.6,000/- which is the personal money of the petitioner. Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount

each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Naugachia in connection with Naugachia P.S. Case No. 262 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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