

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32826 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SIMRI District- Darbhanga

Sudhanshu Kumar Son of Bhagwan Singh R/O Village- Bairiya, P.S.
Sahebganj, District-Muzaffarpur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Simri P.S.
Case No. 235 of 2022 registered for the offence under Sections
398, 399, 402, 420, 120-B of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.12.2022.

The allegation against this petitioner is to involve in
preparation for dacoity alongwith other co-accused persons and
while preparing so found in possession of one country made
pistol alongwith three live cartridges.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely with present case and just to aggravate the allegation, as he was found in possession of one country made pistol with three live cartridges he was implicated with a case for preparation of dacoity. It is submitted that it is a simplicity, *prima faice*, case of possession of firearm, as nothing surfaced during the course of investigation, which may suggest on its face that petitioner was involved in any such activities, which can be said as preparation for dacoity and mere on the ground that he was found in possession of firearm, it cannot be said that he was in preparation for dacoity. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which *prima faice*, suggest that petitioner was involved in preparation for dacoity, save and except to have in possession of



firearm and cartridges coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 02.12.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Simri P.S. Case No. 235 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 learned Judicial Magistrate 1st Class, Darbhanga/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on two consecutive date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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