

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33895 of 2023**

Arising Out of PS. Case No.-522 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Shambhu Sah S/O Saryug Sah @ Saryug Prasad Sah R/O Mohalla-Sahabad,
Ward No.12, P.S.-Sultanganj, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 24-06-2023 Learned counsel for the petitioner is permitted to correct the date of custody in the petition in the course of the day.

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

This application has been filed for grant of regular bail to the petitioner in connection with Sultanjganj P.S. Case No. 522/2022 registered for the offence under Section 411 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

As per the prosecution case, the allegation against the petitioner is that he along with other co-accused looted the E-Riksaw and taken away to the way of Sultanganj and on search, from the possession of the petitioner one loaded country made pistol and one cartridge has been recovered.



Learned counsel for the petitioner submits that the petitioner is quite innocent and he has falsely been implicated in this case. There is no independent seizure list witness. He is in jail custody since 31.12.2022. Charge sheet has already been submitted in this case and there is no chance of absconding of the petitioner or tampering with the evidence. Petitioner has three criminal antecedents out of which two is related to matrimonial dispute.

Learned APP for the State has vehemently opposed the prayer of bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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 the learned A.C.J.M. - 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 522 of 2022 subject to the following conditions:-

(i) 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.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or



violate any of the conditions imposed upon him, his bail bond will be liable to be cancelled by the Court concerned.

(iii) 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.

(Sunil Dutta Mishra, J)

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