

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34052 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SARAIYA District- Muzaffarpur

Sonu Kumar Son of Dinesh Sahni Resident of village - Dharphari, P.S.-
Dewariya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 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 Saraiya
P.S. Case No. 59 of 2023 registered for the offence under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
b)a, 26(1)/35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.01.2023.

The allegation against this petitioner is to involve in
preparation for dacoity alongwith other co-accused persons,
where he also alleged to be found in possession of one country
made pistol alongwith two live cartridges and further Rs. 1230/-



in one purse and Rs. 1,33,570/- in a bag, which remained unexplained by petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner in fact is a labour contractor and engaged in the business of plumbing and out of said business activities, he was found in possession of cash of Rs. 1,33,570/- as alleged. It is submitted that petitioner was while returning after doing work from the house of one Sanjay Singh of nearby locality, the police persons arrested him without having any connecting materials. It is submitted that alleged firearm is planted by police personnels only to aggravate the allegations. It is also submitted that the narration of F.I.R. is suggesting that the cash was in connection with an occurrence, which is alleged to be committed on 12.01.2023 and if it is so, it appears highly improbable that after 17 days, petitioner was roaming around with said cash. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was involved in preparation activities and mere on the recovery of certain cash, which belongs to petitioner and firearms, it cannot be said that petitioner was preparing for dacoity. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover,



investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovered cash appears to be of already committed offence, where mere on the ground of recovery of firearms, the allegation of preparation for dacoity is appearing non convincing on its face, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 59 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, West Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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