

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36702 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BELSAND District- Sitamarhi

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Santosh Kumar S/O Narayan Bhagat R/O Ward No.-13, Belsand Nagar
Panchayat, Sariya, Belsand, P.S- Belsand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-06-2023 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
Belsand P.S. Case No. 9 of 2023 dated 15.01.2023 lodged under
Sections 399 and 402 of the I.P.C. read with Sections 25(1-b)a,
26, 35 of Arms Act.

4. As per the prosecution case, F.I.R. has been lodged
against five named accused persons, including the present
petitioner. It has been alleged in the F.I.R. that the Police has
apprehended the accused when there were planning of *dacoity*.
Upon raid, five persons were arrested by the Police, in which
recovery of arms, live cartridges, mobile sets and motorcycle

was made from their possession.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that no recovery of arms has taken place from the possession of the petitioner. Counsel submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 15.01.2023 having clean antecedent. He also submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P.

6. Counsel for the petitioner submits that in paragraph no.5-10 it has been clearly stated that the petitioner's motorcycle was taken by the police in the name of routine check-up, which was later on released/taken by the father of the petitioner along with the petitioner from the police station.

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 C.J.M., Sitamarhi in connection with Belsand P.S. Case No. 9 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

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

(Dr. Anshuman, J.)

Ashishsingh/-

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