

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41511 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- BHELDI District- Saran

Sandesh Kumar @ Sandesh Kumar Ram, aged about 23 years, male, son of Shri Bhola Ram, resident of Village- Bedwaliya Ward No-8, PS- Parsa, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bheldi PS Case No.83 of 2023 dated 20.03.2023, instituted for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case, in short, is that during the course of vehicle checking, two persons were seen coming on a motorcycle. When they were asked to stop the vehicle, they tried to flee away and they fell down from the motorcycle. On search, from the possession of petitioner, one loaded country-made pistol and one mobile phone was recovered and from the possession of co-accused, one cartridge and a motorcycle was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is allegation of recovery of one country-made pistol and one live cartridge from the possession of the petitioner, but the fact is that nothing was recovered from the possession of the petitioner. As a matter of fact, during the course of vehicle checking, the petitioner was stopped and some hot talk took place between them and due to that the police implanted the country-made pistol and cartridges and lodged the present. It is further submitted that the petitioner is in custody since 21.03.2023 and charge-sheet has been submitted in the case. One more criminal case under the Excise Act is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Saran at Chapra, in Bheldi PS Case No.83 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed



by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

J. Alam/-

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