

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49644 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- SUGAULI District- East Champaran

Sandeep Kumar, S/o Bhagal Chaudhari, R/o Village-Hathiyahi, P.S.-
Piprakothi, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sugauli P.S. Case No.119 of 2023 registered for the
offences punishable under Sections 399, 402, 414 of the Indian
Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act as
well as Sections 8, 20(b)(ii)(c) of the Narcotic Drugs and
Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and is
in custody since 31.03.2023.

4. Allegation against the petitioner is to involve in
preparation for committing dacoity along with other co-accused
persons and while preparing so, petitioner found in possession
of one country-made pistol and four live cartridges along with
cash of Rs.40,000/-, whereas other co-accused persons were



found in possession of contraband i.e., charas like substance total of 1.242 kg and other incriminating materials.

5. It is submitted by learned counsel that from the seizure list, it is apparent that only one country-made pistol and four live cartridges were found from the possession of this petitioner and he was not in possession of any contraband i.e., charas like substance. It is submitted that nothing surfaced during course of investigation that petitioner was under knowledge *qua* carrying contraband by other co-accused, namely, Raju Sahni from whom said contraband was alleged to be recovered. It is submitted that legal ingredients as to established a *prima facie* case for preparation of committing dacoity is altogether different and same cannot be established merely on the ground of recovery of one firearm and certain number of cartridges. While concluding argument, it is submitted that the petitioner found involved in three more criminal cases, where he is on bail in two cases and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.



7. In view of above-mentioned facts and circumstances and by taking note of fact as implication of petitioner for offence as alleged regarding preparation for committing dacoity appears only for the reason that he was found in possession of one country-made pistol and live cartridges, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Sugauli P.S. Case No.119 of 2023 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not indulge in similar nature of criminal case 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 petitioner shall co-operate in the trial and shall be physically present on each and every 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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