

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54046 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SHAMBHUGANJ District- Banka

MD. FAISAL S/O SAHADAT R/O VILLAGE- HAJRATGANJ BARA,
GALI NO. 3, KHANKAH, P.S.- KASHIMBAZAR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54288 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SHAMBHUGANJ District- Banka

MANJU DEVI @ SANJU DEVI W/O DINESH SAH R/O WARSAWAD,
P.S- SHAMBHUGANJ, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54046 of 2023)

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

(In CRIMINAL MISCELLANEOUS No. 54288 of 2023)

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Shambhuganj P.S. Case No. 94 of 2023 registered under Sections 25 (1-B), 25 (1-AA), 25(1-A), 26(1), (2)/35 of the Arms Act lodged on 04.04.2023 by the informant, Pankaj



Kumar Raut.

As per the prosecution story, the S.T.F. Patna and Kolkata under joint operation raided the belding shop of Dinesh Sah and recovered/seized number of instruments for making arms, cartridges, one country made pistol, elevan half prepared pistol, nine live cartridges of 7.65 mm, semi finished barrel, and other equipment of manufacturing arms like drill machine and iron cutter etc. One Sanju Devi who was present there disclosed that the same is being run by her husband, Dinesh Sah and son Bhavesh Sah. Accordingly, the FIR. He was taken into custody

The case of the petitioner in Cr. Misc. 54046 of 2023 is that he is neither the owner nor indulged in any illegal crime and only because he served as labour in the shop of Dinesh Sah has been implicated and has remained in custody since 05.04.2023 (as stated in paragraph-18 of the petition), though he do not have criminal antecedent.

So far as Cr. Misc. No. 54288 of 2023 (Manju Devi @ Sanju Devi vs. The State of Bihar) is concerned, she is the wife of Dinesh Sah was apprehended as Dinesh Sah and Bhwesh Sah had disappeared.

Learned counsel for the petitioner Sanju Devi submits



that she is the wife and had no role to play in the alleged belding shop of which allegedly has run by her son and her husband, has remained in custody from the date of occurrence i.e. 05.04.2023 though do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the fact that one of the petitioner is the labour and the other is wife of main accused, both have remained in custody since 05.04.2023, they do not have criminal antecedent and will ultimately have to face the trial, this Court is inclined to grant them privilege of bail.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka n connection with Shambhuganj P.S. Case No. 94 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner, Md. Fazal (Cr. Misc. No. 54046 of 2023) shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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