

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58588 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- TRIVENIGANJ District- Supaul

Balwant Sardar, S/O Gumesh Sardar, R/O Villae- Bariyahi, P.S- Shankarpur,
Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Triveniganj P.S. Case No. 137 of 2023 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

3. As per prosecution case, police received information about gathering of some criminals for committing some big crime. A raid was conducted at the identified place and the petitioner along with a number of other co-accused persons were apprehended. From the possession of this petitioner, recovery of two Maskets and seven live cartridges



were made. Similar type of recovery was made from other co-accused persons. Police charged them as possession of firearms, ammunitions and making preparation of committing dacoity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the possession of the petitioner and the article shown to be recovered from the petitioner is planted one. Signature of the petitioner was obtained on a blank paper and later on the same was converted into seizure list. The petitioner has been implicated in this case due to previous antecedent. Except suspicion, there is nothing against the petitioner. Other co-accused persons have been granted bail by Co-ordinate Benches of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 54995 of 2023, order dated 31.10.2023 passed in Cr. Misc. No. 53597 of 2023 and order dated 30.08.2023 passed in Cr. Misc. No. 55538 of 2023 and Cr. Misc. No. 55252 of 2023. The petitioner is in custody since 07.04.2023 and charge-sheet has been submitted. Learned counsel further submits that petitioner is accused in altogether 12 cases and



he is on bail in all such cases.

5. Learned APP opposes the prayer for bail submitting that petitioner and other co-accused persons, who were variously armed and carrying lethal weapon, were found making preparation for committing dacoity.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet and also considering the grant of bail to similarly placed co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Supaul/concerned court in connection with Triveniganj P.S. Case No. 137 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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