

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55252 of 2023

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

Sushil Sah @ Sushil Kumar Son Of Nageshwer Sah @ Nago Sah Resident Of
Village - Gadha Rampur, P.S. - Shankarpur, Distt. - Madhepura
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Triveniganj P.S. Case No. 137 of 2023 dated 06.04.2023, instituted for the offence punishable under Sections 399, 402 of the Indian Penal Code and 25(1-B)A/26/35 of the Arms Act.

3. The allegation against the petitioner is that one country-made mascot, three live cartridges and one touch screen mobile of Vivo company have been recovered from his possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that on a secret informant, a raid was conducted by the informant and his team at the house of Upendra Sardar, where petitioner is present. Learned



counsel for the petitioner submits that out of six named accused persons, three of them including the petitioner are resident of same village and had gone to attend house warming function at the house of co-accused Upendra Sardar and after completion of the function, when the petitioner and his co-villagers were returning to their village, the police falsely apprehended them and booked in the instant case. Learned counsel for the petitioner further submits that after completion of investigation, charge sheet has been submitted and case is committed to the court of Sessions bearing Sessions Trial No. 248 of 2023. Lastly, it has been submitted that the petitioner is in custody since 07.04.2023 having three criminal case against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

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 learned Sessions Judge, Supaul, in connection with S.T. 248 of 2023 arising out of Trivenigang P.S. Case No. 137 of 2023, subject to the following conditions:-

I. 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. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. 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.

IV. 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)

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