

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57744 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- DHANSOI District- Buxar

Satendra Bind Son of Narayan Bind, R/o Village- Shahpur, P.S.- Bhagwanpur,
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 353, 323,
307, 333, 506 of the Indian Penal Code and Section 25(1-b)a,
26, 27 and 35 of the Arms Act.

According to prosecution case, the informant Kamal
Nayan Pandey who is S.H.O. of Dhansoi police station alleging
therein that on 25.07.2022 on the basis of secret information of
co-villager police party chased two persons who were open
firing in air and tried to escaped away but both were nabbed,
who disclosed their names to be Ram Surat Ram and from his



possession one loaded Katta, three live and five empty cartridges were recovered and another Laxman Ram and from whose possession nothing was recovered but later on police has recovered a country made Katta and one live cartridge from the water of canal which was hidden by co-accused Laxman Ram. It is further alleged that police party have been further informed that some person are still present in the house of Laxman Ram thereafter police proceed in the house of Laxman Ram and wherefrom six persons were apprehended who were disclosed their names to be Vijay Kumar @ Vijay Ram from his possession a country made Katta is said to be recovered, Rabindar Ram, Upendra Ram @ Upendr Kumar, Dinanath Ram, Suresh Ram, Satendra Ram (petitioner). Though in search only one Katta is said to be recovered from the possession of co-accused Vijay Ram and the police has prepared seizure list with regard to the seized fire arms and their motorcycle respectively.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article has been recovered from the possession of the petitioner. He further submits that it appears from the F.I.R. that the petitioner was



only sitting in the house of co-accused Laxman Ram who is relative of this petitioner. He further submits that the arms was recovered from the possession of the co-accused persons namely, Laxman Ram, Ram Surat Ram and Vijay Kumar @ Vijay Ram. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhansoi P.S. Case No. 109 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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