

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61408 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- SABAUR District- Bhagalpur

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SOURABH KUMAR S/O Nand Lal Mandal R/O Village- Bariya, P.S-
Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Goradeeh (Sabaur) P.S. Case No. 137 of 2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of Arms Act.

As per the prosecution, the informant along with other police personnel acting upon a secret information

apprehended this petitioner with one co-accused person from a playground while other six miscreants managed to flee away. It is further alleged that one loaded country-made pistol, one live cartridge and one mobile phone were recovered from the possession of this petitioner.

The main submissions advanced by learned counsel Ms. Smiti Bharti appearing for the petitioner are that as per the prosecution's story, eight persons including the petitioner were found making preparation to commit robbery and when the police reached at the spot, the petitioner and one co-accused person were apprehended and as per the allegation, one loaded country-made pistol and one live cartridge were recovered from his conscious possession. Further submission is that the petitioner has been languishing in jail since 20.04.2022 having one criminal antecedent, in which the petitioner is on bail and his trial has started and the charges have been framed upon him.

Learned APP Mr. Uday Pratap Singh appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's custody period and the stage of his trial, this Court is inclined to accept his bail prayer.

Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Goradeeh (Sabaur) P.S. Case No. 137 of 2022.

(Shailendra Singh, J)

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