

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67280 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Pramod Sah Son Of Jai Prakash Sah, R/V- Nayatola, P.S- Naugachia, Dist-
Bhagalpur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-02-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Naugachia P.S. Case No. 262 of 2022 lodged under Sections
399 and 402 of the I.P.C. read with Sections 25(1-b)a/26/35 of
Arms Act.

As per the prosecution, on the secret information that
some criminals are planning to commit loot, the police party has
started searching at different places. During search, one person
was caught from whose possession mobile, country made
loaded *katta* and one live cartridge were recovered. On his
confession, police reached there and apprehended one Chandan
Kumar alongwith two more persons and rest 4-5 fled away. On



their confession Rs.6000/- has been recovered from possession of Chandan, Rs.5000/- has been recovered from possession of Nitish and Android mobile has been recovered from possession of accused Modi. In the F.I.R. in the form of chain disclosure, the present petitioner was arrested being accused no.7 and he was shown absconding from the place of occurrence, meaning thereby he was not apprehended from the place of occurrence.

Learned counsel for the petitioner submits that petitioner was not apprehended from the place of occurrence and as such nothing was recovered from his possession. Counsel further submits that from the rejection order, it transpires that allegation against the petitioner is that he was worked as a liner for the other accused persons. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 02.09.2022. On the merit, there is only suspicion that petitioner used to work as a liner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned A.C.J.M.-Ist, Bhagalpur in connection with Naugachia P.S. Case No. 262 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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