

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70847 of 2022**

Arising Out of PS. Case No.-652 Year-2022 Thana- BRAHMPUR District- Buxar

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BHOLA KUMAR PASI Son of Shiv Shankar Pasi @ Shivshankar Pasi  
Resident of Village- Thatheri Bazar, Ward No.-24, Dumraon, P.S.- Dumraon,  
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      16-03-2023                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
  
of four weeks from today.

The petitioner seeks bail in connection with  
  
Brahampur (K.B.) P.S. Case No. 652 of 2022 registered for the  
  
offence under Sections 399 and 402 of the Indian Penal Code  
  
and Section 25(1-B)a, 25(6), 26, 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in  
  
custody since 04.09.2022.

The allegation against the petitioner is to involve in  
  
preparation for dacoity, along with other co-accused persons,  
  
and while preparing so, found in possession of one sharp knife



along with chilly powder and gloves.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case, where nothing recovered/surfaced, during the course of investigation, which may suggest that petitioner was found involved in preparation of dacoity along with other co-accused persons. It is also submitted that similarly situated co-accused person, having found in possession of fire arms, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 67760 of 2022 vide order dated 27.02.2023. It is further submitted that mere on the basis of possession of one sharp knife, petitioner cannot be said to be involved in preparation for dacoity. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as nothing appears to suggest that petitioner found involved in preparation for dacoity coupled with the fact that charge-sheet has already submitted, let the petitioner, above



named, is directed to be released on bail in connection with  
Brahampur (K.B.) P.S. Case No. 652 of 2022 on furnishing bail  
bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties  
of the like amount each to the satisfaction of learned Chief  
Judicial Magistrate, Buxar/concerned Court, subject to the  
conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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