

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73328 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SHAMBHUGANJ District- Banka

DINESH SAH SONS OF MADHO SAH R/O VILLAGE- WARSABAD,
P.S.- SHAMBHUGANJ, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar,

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Shambhuganj P.S. Case No. 94 of 2023 registered under Sections 25 (1-B), 25 (1-AA), 25(1-A), 26(1), (2)/35 of the Arms Act lodged on 04.04.2023 by the informant, Pankaj Kumar Raut.

3. As per the prosecution story, the S.T.F., Patna and the S.T.F., Kolkata under joint operation raided the belding shop of Dinesh Sah and recovered/seized number of instruments for making arms, cartridges, one country made pistol, elevan half prepared pistol, nine live cartridges of 7.65 mm, semi finished barrel, and other equipment of manufacturing arms like drill machine and iron cutter etc. One



Sanju Devi who was present there disclosed that the same is being run by her husband, Dinesh Sah and son Bhavesh Sah. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the land belongs to him, the same was leased out to one Md. Nabi Ullah on 29th of June, 2022 for a period of two years eleven months and as such, only because he being the owner, he along with his wife have been implicated.

5. He has also provided copies of the order of this Court as also co-ordinate Bench of this Court to show that other accused persons including the Md. Nabi Ullah have been granted bail.

6. Learned APP on the other hand submits that he is the main culprit and despite the fact that there was specific allegation against him, FIR lodged in April 2023, he walked into judicial custody in the month of August, 2023. He as such opposes the prayer for bail.

7. Though there is force in the submission of learned APP that it was only after the joint operation of S.T.F., Patna and the S.T.F. Kolkata that stormed the place and recovered a cache of arms from the buildings/warehouse of the Dinesh Sah, the documents on record brought by the petitioner as also the



fact that others have been granted bail comes to his rescue. However, considering the fact that also has criminal antecedent, it would be appropriate that he be released only after the framing of the charge.

8. Accordingly, ordered.

9. Let the petitioner, above named, be released on bail after the framing of the charges on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 94 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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