

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71594 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Dhiraj Kumar Son Of Ashok Sah Resident Of Village- Chhoti Balia Uppar
Tola, Ward No.-08, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant
of regular bail in connection with Sahebpur Kamal P.S. Case No.
225 of 2021 registered under sections 393, 397 and 307 of the
Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

Allegation against the petitioner is that there is
recovery of one country made loaded pistol with one live
cartridge and one misfired cartridge from him. Further alleged
that he tried to rob motorcycle and opened fire upon the
informant, but narrowly escaped and didn't hit anyone.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. It is further submitted that no



incriminating article has been recovered from the conscious possession of the petitioner. Further submitted that there is no independent witness of seizure list rather both witnesses are police personnel. During investigation, no substantive evidence came against the petitioner to connect in this case. Due to his previous criminal history, he has been roped in this case. He has no concern with the alleged ammunition. He is languishing in judicial custody since 31.08.2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sahebpur Kamal P.S. Case No. 225 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IX Begusarai.

(Sunil Kumar Panwar, J)

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