

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8802 of 2024

Arising Out of PS. Case No.-266 Year-2022 Thana- DHAKA District- East Champaran

Sadhu Ram, Son of Babulal Ram, Resident of Village- Bisrahiya, Naya Tola,
P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 20-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dhaka P.S. Case no. 266 of 2022 registered under section 392 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, while the informant along with others were returning home on his motorcycle it is stated that the accused persons snatched his mobile phone, ATM card besides other articles as stated in the FIR. However, on the villagers coming at the place of occurrence, one Bittu Ram was caught and a country made pistol with cartridge was recovered from his possession. On enquiry he disclosed that the other accused who managed to flee away included the petitioner herein.

4. Learned counsel for the petitioner submits that from



the FIR itself it would be evident that neither the petitioner was apprehended at the spot nor any incriminating article was recovered from his possession. The only material against him is the confessional statement of the co-accused. The petitioner is in custody since 14.8.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

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

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession who is in custody for 6 months since 14.8.2023, his not having any criminal antecedent and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Dhaka P.S. Case 266 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 the learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran.

(Partha Sarthy, J)

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