

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29108 of 2024

Arising Out of PS. Case No.-615 Year-2022 Thana- AMARPUR District- Banka

SHYAM SUNDAR DAS S/O RAMESHWAR DAS R/O VILLAGE-
HASANPUR (BISHANPUR), P.S- DHORAIYA, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur (Fullidumar) P.S. case No. 615 of 2022 instituted for
the offences under Sections 393 of the Indian Penal Code and
25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., on the alleged date and time of
occurrence, three miscreants riding on motorcycle dashed the
motorcycle of the informant. It is further alleged that one of the
miscreants pointed pistol at the informant but informant with the
help of his brother managed to caught him. In the meantime, the
other two miscreants fled away from the spot leaving
motorcycle and *katta*. It is further alleged that one loaded



country-made pistol along with one live cartridge was recovered.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that although the motorcycle which has been recovered from the place of occurrence belongs to the petitioner but he has got no concern with the alleged occurrence. He further submitted that, in fact, the motorcycle of the petitioner got stolen on the very day when alleged occurrence took place, and in support of his contention, learned counsel has annexed a copy of complaint case filed by the petitioner bearing Complaint Case No. 2124 of 2022. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.12.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, nature of offence as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur (Fullidumar) P.S. case No. 615 of 2022.

(Rudra Prakash Mishra, J)

Alok Verma/-

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