

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41032 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Deepak Kumar Son of Anoj Yadav R/O Village Bataraha, Ward no. 23, P.S.-
Saharsa, Dist.- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Maharaj
		Mr. Satish Kr. Singh
For the Opposite Party/s	:	Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Saharsa Sadar P.S. Case No. 63 of 2024 registered for

the offence under Sections 394 of the I.P.C. and Section

27 of the Arms Act, subsequently added Section 411 of

the I.P.C. and Section 25(1-b)a, 26, 35 of the Arms Act.

3. The petitioner is named in the F.I.R. and is

in custody since 20.01.2024.

4. The allegation against the petitioner is to

commit robbery and while committing so looted cash of



Rs. 32,000/- (Rupees Thirty Two Thousand) which belongs to informant and also to open fire along with other co-accused persons causing bullet injuries to informant.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was found involved in five more criminal cases in which he is on bail. On the basis of suspicion arising out the said criminal antecedents police raided the house of the petitioner and found one country made pistol from his house. It is submitted that beside fire arm, cash of Rs. 3,800/- (Rupees Three Thousand Eight Hundred only) was also recovered from the house of the petitioner. It is submitted that the house of the petitioner is occupied by different adult family members, where search was made without compliance of Section 100(4) of the Cr.P.C and as such it cannot be said that the recovery of pistol was made from conscious physical possession of this petitioner. It is further submitted that the recovered



cash is also without any details and denomination so as to match with looted cash as alleged to connect *prima-facie*, petitioner with crime in question. It is pointed out that the petitioner was not put on TIP and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the aforesaid factual submissions, as fire arms not appears to be recovered *prima-facie* from the conscious physical possession of the petitioner, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 20.01.2024, let the petitioner, above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 63 of 2024 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, Saharsa subject to the conditions as



mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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