

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63927 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- SONBERSA District- Sitamarhi

Dhanjeet Kumar Son of Late Yadunandan Rai R/o Village- Patidoura
Vishanpur, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sonbarsa P.S. Case No. 156 of 2024,
registered for the offence punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.

3. Based upon the written report, the prosecution
alleges that in course of patrolling, on a secret information, the
police raided the house of one Pintu Nayak. When the police
entered in the house, all the miscreants started fleeing away.
However, the petitioner along with two other persons were
apprehended at the place of occurrence and from the possession
of the petitioner one loaded country made pistol and mobile was
recovered. The police also found that in the house, one person



was kept confine after tying his hands and legs.

4. Learned Advocate for the petitioner contended that so far the recovery of the person, who was kept confined in the house of Pintu Nayak, in this regard later on a case of kidnapping has been instituted. However, the present F.I.R. has been instituted only under the provisions of the Arms Act. The petitioner has neither any concern with the recovered Ramesh Damai nor with the other persons, who were present there. There is complete denial of the recovery of loaded country made pistol from the possession of the petitioner. It is the contention of the petitioner that he, having fair antecedent, was only present at the place of occurrence, when the police has conducted raid and on suspicion, his name has been implicated in this case. It is lastly contended that, be that as it may, now the petitioner has been incarcerated since 13.05.2024. Co-accused person has been granted bail in Cr. Misc. No. 53227 of 2024 vide order dated 07.02.2024 (Annexure-P/2).

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of loaded pistol suggest the complicity of the petitioner in crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that crime, in question, is triable by the Magistrate and now the investigation is complete and charge-sheet has been submitted, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 156 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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