

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71440 of 2024

Arising Out of PS. Case No.-913 Year-2022 Thana- MAJHAULIA District- West Champaran

Dinesh Sah @ Dinesh Kumar Son of Amerika Sah Resident of Village
-Jagdishpur Birti Tola, PS- Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402, 413, 414 and 34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case relates to gathering of antisocial elements for hatching a conspiracy. Acting on a tip off, police party proceeded towards the place of occurrence and apprehended two accused persons. On search, one country made pistol loaded with three live cartridges were recovered.

4. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that petitioner's name transpired on the basis of confessional statement in the F.I.R.. Similarly situated co-accused have been granted regular bail by co-ordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 11933 of 2023 and vide order dated 28.04.2023 passed in Cr. Misc. No. 14720 of 2023. The petitioner has seven criminal antecedents and has been languishing in custody since 01.07.2024.

5. Learned APP for the State opposed the bail petition.

6. Considering the facts aforesaid and the fact that no incriminating articles have been recovered from the conscious possession of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Majhauriya P.S. Case No. 913 of 2022, subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his



wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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