

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75621 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Ram Balak Pathak @ Sanjeet Pathak Son of Shambhu Nath Pathak Resident
Of Village - Asinchak, P.S. -Dalsinghsarai, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dalsingsarai P.S. Case No. 95 of 2023 instituted for the
offences under Sections 25(1-B), 26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence where the
villagers informed the police that the criminals after opening
fire fled away towards Balan river. Thereafter, the police chased
the criminals and reached at the bank of river Balan and saw
some persons gathered there. On seeing the police party, the
criminals tried to flee away from there but, three of them were
apprehended by the police. They also disclosed the name of the



fleeing person as Ram Balak Pathak (petitioner). It is alleged that in the alleged firing by the criminals, two persons namely Uday Giri and Rohit Giri sustained fire-arm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither arrested at the spot nor anything incriminating has been recovered from his conscious possession. The police has recovered one loaded pistol with cartridge from the possession of co-accused Shivam Choudhary. The name of the petitioner has transpired in this case on the basis of the disclosures made by the co-accused Shivam Choudhary. Except confession, there is nothing against the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has two criminal antecedents of the similar nature of offence and is languishing in judicial custody since 02.08.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Dalsingsarai P.S. Case No. 95 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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