

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82476 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Raju Sah @ Raju Kumar Son of Indrajeet Sah Resident of Village- Bijbani,
P.S.- Jitna, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ghorasahan P.S. Case No. 362 of 2024, registered for the offences under Sections 317(4) & 317(5) of Bharatiya Nyaya Sanhita, 2023 and 25(1-B)(a) and 26 of the Arms Act.

3. As per the prosecution case, the informant received secret information about petitioner going to Nepal for bringing illicit liquor. The motorcycle of the petitioner was intercepted and on search of the petitioner, recovery of a country made *katta* loaded with one cartridge was made apart from Rs.43,000/-. The petitioner did not show any valid document for the motorcycle which he was driving.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case at the instance of the informant Vikash Kumar. The petitioner and Vikash Kumar are on inimical terms since the informant took a loan of Rs. 25,000/- from this petitioner but subsequently refused to return the money and threatened the petitioner to implicate him in false case. Learned counsel further submits that petitioner was in fact carrying Rs.50,000/- which he has taken on loan from two of his co-villagers but the informant kept Rs.7,000/- from that amount and showed recovery of only Rs. 43,000/-. The statutory provisions regarding search and seizure have been given a complete go by and the seizure has been made in contravention to the statutory provisions. The petitioner is in custody since 04.09.2024 and charge sheet has been submitted against the petitioner. The petitioner has been made accused in three cases of same police station and the petitioner is on bail in all such cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner was caught red handed with a loaded country made pistol and with cash.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the allegation against the informant and also considering submission



of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari/concerned court, in connection with Ghorasahan P.S. Case No. 362 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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