

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83214 of 2023

Arising Out of PS. Case No.-288 Year-2023 Thana- MAIRWAN District- Siwan

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Balindra Kumar Sah @ Balinder Kumar Sah @ Birendra Kumar Sah Son Of
Late Dhodha Sah @ Dodha Sah R/O Village- Ram Nagar, P.S.- Siwan Town,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mairwa P.S. Case No.288 of 2023, lodged on 10.09.2023, under
Sections 380/411 of the Indian Penal Code and under Sections
25(1-b)A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
two named accused persons against whom the article, which
was subject to the crime, has been recovered at the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that the antecedent of the petitioner is clean. He



is in custody since 11.09.2023. Counsel also submits that in the impugned order the reference of one criminal antecedent in this case has come which is not correct; rather according to him there is no criminal antecedent of the petitioner. Counsel submits that charge sheet has already been filed against the petitioner.

5. Learned counsel for the State opposes the prayer for bail and submits that the article which was subject of crime has been recovered and it is due to this reason his name has figured in this case. Counsel also submits that one Desi Katta has also been recovered from the house of the petitioner.

6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioner submits that charges have not been framed.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Siwan, in connection with Mairwa P.S. Case No.288 of 2023, subject to the conditions as laid down under Section 437(3) of



the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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