

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87050 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- MAJORGANJ District- Sitamarhi

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Dhananjay Kumar @ Dhananjay Singh @ Dhananjay Kumar Singh, male,
aged about 28 years, son of Amar Kumar Singh @ Amar Kumar, resident of
Village - Harpur Kala, Ward No.- 7 P.S- Majorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Shankar Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Ram Naresh Ray,

learned APP for the State.

2. Petitioner seeks regular bail in connection with

Majorganj P.S. Case No. 218 of 2024 registered for offences

punishable under Sections 317(5) of Bharatiya Nyaya Sanhita

(B.N.S.) 2023 and Sections 25(1-b)a/26 of the Arms Act.

3. As per the allegation made in the FIR, petitioner

was dancing in a *Barat Party* and, at the same time, he was

brandishing pistol at the place of occurrence. Search and seizure

was done and a mobile phone and a loaded country-made pistol

along with live cartridges were recovered from the possession of

the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submitted that the petitioner is having three criminal antecedents, however, in all those cases, he is on bail. He further submitted that due to previous antecedents, the petitioner has been made accused in the present case. The petitioner has stated in paragraph no. 7 of the bail application that the mobile phone, which has been seized by the police, is his own mobile phone and the same was purchased by him and the same can be verified at the time of furnishing of the bail bonds. Petitioner is in custody since 12.07.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the period of custody undergone by the petitioner, who is in custody since 12.07.2024 and the undertaking of the petitioner that the mobile phone is not a stolen one and the same is duly purchased by him. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on regular bail.



7. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate No. 7, Sitamarhi, District- Sitamarhi, in connection with Majorganj P.S. Case No. 218 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.



(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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