

Daya Shankar Sah vs The State Of Bihar on 5 February, 2025

Author: Khatim Reza

Bench: Khatim Reza

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1752 of 2025
Arising Out of PS. Case No.-397 Year-2024 Thana- HUSSAINGANJ District
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Daya Shankar Sah, aged about 65 years, son of Late Shiv Nandan Sah,
resident of Village- Salonepur, P.S.- Hussainganj, District- Siwan

... ..

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. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-02-2025

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hussainganj PS Case No.397 of 2024 dated 10.11.2024, instituted for the offence punishable under Sections 310(4), 310(5) of the Bhartiya Nyaya Sanhita, 2023, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 8(c) and 21(b) of the NDPS Act.

3. As per written report of the informant Vijay Kumar Yadav, who is the SHO of Hussainganj PS, the prosecution case, in brief, is that on a secret information, the informant along with other police personnel reached near Jin Baba Asthan situated in village Habibnagar. Seeing the police personnel, five persons tried to flee away, out of them four persons were apprehended Patna High Court CR. MISC. No.1752 of 2025(2) dt.05-02-2025 and one person managed to escape. The apprehended accused persons disclosed their names as (1) Jitendra Kumar Yadav @ Jimmy @ Master (2) Sheikh Munna (3) Anil Kumar Gupta @ Anil Kumar Sah (4) Daya Shankar Sah and also disclosed the name of the accused, who managed to escape as Dharmendra Kumar Yadav. During search, (1) Jitendra Kumar Yadav @ Jimmy @ Master was found in possession of 79 puriyas of Smack like substance and mobile phones of Realme and Redmi Company (2) Sheikh Munna was found to be in possession of one country made pistol with two live cartridges, 36 puriyas of Smack like substance and an android screen touch mobile (3) Anil Kumar Gupta @ Anil Kumar Sah was found to be in possession

of a screen touch mobile of Samsung Company and 25 notes of Rs.500/- denomination; total Rs 12,500/- (4) Daya Shankar Sah was found to be in possession of one Passion Pro Motorcycle bearing Registration No. BR 29AE 9759 and android mobile of Samsung Company. On being inquired about recovered articles, one of the accused Jitendra Kumar Yadav Jimmy @ Master disclosed that he along with other co-accused persons are involved in contract killing and deal in smack. It is further alleged that the accused persons Anil Kumar Gupta @ Anil Kumar Sah and his father Daya Shankar Sah had come Patna High Court CR. MISC. No.1752 of 2025(2) dt.05-02-2025 there to give him Rs.12,500/ as advance to kill one Sayed Hussain.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating article has been recovered from the possession of the petitioner. The contraband articles have been recovered from the possession of other accused and not from the possession of the petitioner. The petitioner has no concern with the other co-accused. Further submission is that from the seizure list it is apparent that from the possession of the petitioner and Anil Kumar Gupta @ Anil Kumar Sah, who are father and son, no contraband articles have been recovered. Allegation against the petitioner and his son is that they were arrested along with other accused persons, who were having contraband articles. Further submission is that the petitioner is in custody since 11.11.2024 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Principal Judge, NDPS, Siwan, in Patna High Court CR. MISC. No.1752 of 2025(2) dt.05-02-2025 Hussainganj PS Case No.397 of 2024.

7. The application stands allowed.

(Khatim Reza, J) J. Alam/-

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