

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58813 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- RUPASPUR District- Patna

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1. Neeraj Kumar, Son of Harendra Singh, Resident of Village- Naya Tola, Bharapura, P.S.- Sonapur, District- Saran.
 2. Golu Kumar Sharma, Son of Manoj Sharma @ Manoj Kumar Sharma, Resident of Village- Rahar Diyara Nazarmira, P.S.- Sonpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 30-10-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Rupaspur P.S. Case No. 228 of 2018** registered for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-B)a and 26/35 of the Arms Act.

Allegation against petitioner no. 1 is of recovery of one country made Pistol, one live cartridge and one motorcycle, and from the possession of petitioner no. 2 one country made Pistol and one motorcycle.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Petitioners are in custody since 08.06.2018.



Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioners named above be released on bail after completing eight months of custody in jail, upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned ACJM-II, Danapur, Patna, in connection with Rupaspur P.S. Case No. 228 of 2018, with following conditions:-

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

(2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioners 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 petitioners.

Subject to the aforementioned observation and direction, this application is disposed of.

(S. Kumar, J)

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