

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20960 of 2019**

Arising Out of P.S. Case No.-455 Year-2018 Thana- BIDUPUR District- Vaishali

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1. SACHIN KUMAR, age-20 years, Male, Son of Shambhu Sah Resident of Village - Dharhara, P.S.- Sarai, Distt - Vaishali.
 2. Sanni Kumar, age-18 years, Male, Son of Shyam Kishor Mahto Resident of Village - Dharhara, P.S.- Sarai, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 04-04-2019 Heard the learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 26.10.2018 in connection with Bidupur P.S.Case No.455 of 2018 for the offence alleged under Sections 399, 402 and 414 of the Indian Penal Code, Sections 25(1-b)(a), 26 and 35 of the Arms Act and Sections 8/20(b)(ii)(c) and 25/29 of the NDPS Act.

The prosecution case as lodged by the police personnel is that on information that some miscreants have gathered in a mango orchard near the ITI, the police conducted a raid and apprehended ten persons including the petitioners. On search from the possession of co-accused Sonelal Sah one country made loaded pistol with one live cartridge and a bag



containing ganja about ten K.G. was recovered. From the possession of other co-accused also some country made pistols and some live cartridges were recovered. From the possession of the petitioner no.1 one country made pistol and one live cartridge were recovered and from petitioner no.2 one live cartridge was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the aforesaid case. He submits that no overt-act has been alleged to have been committed by the petitioners and that chargesheet has already been submitted and the petitioners are languishing in judicial custody since more than five months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances, nature of allegations, the period of custody as well as the fact that the petitioners do not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in



connection with Bidupur P.S.Case No.455 of 2018 to the satisfaction of learned Additional District Judge-Ist, Vaishali at Hajipur, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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