

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61639 of 2019

Arising Out of PS. Case No.-87 Year-2017 Thana- MOUZA HIDPUR District- Bhagalpur

1. SANNI KUMAR Son of Dharmendra Yadav Resident of Village- Goasaindashpur, P.S.- Nathnagar, District- Bhagalpur.
2. Jyotish Kumar Son of Niranajan Kumar Resident of Village- Bishanpur, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 448, 504, 506, 307, 385 and 387/34 of the Indian Penal Code, including Section 27 of the Arms Act, registered in connection with Mojahidpur (Babarganj) P. S. Case No. 87 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely on suspicion, except which there is no objective material to connect the petitioners with the alleged occurrence. The petitioners are not named in the FIR and have been dragged subsequently merely because they are accused in



Habibpur P.S. Case No. 26 of 2017 along with the accused persons named in the present FIR. It is submitted that the accusations under the Arms Act are not made out against the petitioners, who were not present at the place of occurrence, nor any recovery of any incriminating goods has been made from their conscious possession. Except the aforesaid Habibpur P.S. Case No. 26 of 2017, the petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned C.J.M., Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 87 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Vikash Jain, J)

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