

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64684 of 2019

Arising Out of PS. Case No.-228 Year-2019 Thana- PALIGANJ District- Patna

1. Niranjan Kumar, Male, aged about 22 years, Son of Binesh Yadav @ Binay Yadav Resident of Village - Shiva Bagaha, P.S.- Kalpa O.P., District - Jehanabad.
2. Pappu Kumar, Male, aged about 19 years, Son of Binesh Yadav @ Binay Yadav, Resident of Village - Shiva Bagaha, P.S.- Kalpa O.P., District - Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Parashuram Singh, Advocate.
For the Opposite Party : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 398, 401 of the IPC and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that the informant alongwith other police officials during course of patrolling, got secret information that some miscreants assembled in the east side of Lalganj Sehra with a view to commit road robbery. After giving information to the Superior Officials, he alongwith other police personnel reached at the place in question and found that three miscreants were fleeing away on seeing the police party.



On chase, they were arrested and on interrogation they disclosed their names as Niranjana Kumar, Pappu Kumar (petitioners) and Rahul Kumar. In presence of witness, search was also made and from possession of petitioner Niranjana Kumar, two live cartridges of 8 M.M. KF and from possession of petitioner Pappu Kumar, a loaded country made Katta, in which a cartridge of 8 M.M. KF was loaded, were recovered. They could not produce any valid papers regarding possession of the same arms and ammunitions.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 01.07.2019. Charge sheet has been submitted in the present case. The petitioner no. 1 has got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Two live cartridges was recovered from possession of petitioner no. 1 and one loaded country made pistol is said to have been recovered from possession of petitioner no. 2. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners above named, 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 the learned S.D.J.M. Danapur, Patna, in connection with Paliganj P.S. Case No. 228 of 2019.

(Sudhir Singh, J)

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