

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70759 of 2019

Arising Out of PS. Case No.-387 Year-2019 Thana- SHEKHPURA District- Sheikhpura

1. Raju Patel, aged about 22 years, Male, Son of Suresh Prasad Resident of Village-Jian Bigha, P.S. and District-Sheikhpura.
2. Sonu Kumar @ Chhotu, aged about 21 years, Male, Son of Kapil Dev Prasad @ Kapil Deo Prasad Resident of Village-Jian Bigha, P.S. and District-Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 387 of 2019 dated 05.09.2019 registered at Police Station-Sheikhpura, District-Sheikhpura, under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26(ii)/35 of the Arms Act.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Allegedly three cartridges were recovered.

It is submitted by learned counsel for the petitioners



that the petitioners have roots in the society; and are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that they are behind bars since 06.09.2019. At this stage petitioners are not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Sheikhpura in connection with Sheikhpura P.S.Case No.387 of 2019 on the following conditions:-

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

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

(iii) 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.

(iv) The petitioners shall cooperate 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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