

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18034 of 2020

Arising Out of PS. Case No.-1110 Year-2019 Thana- HAJIPUR District- Vaishali

1. DIPAK KUMAR S/o Late Kameshwar Rai R/o Village- Veerpur, P.S.- Jurawanpur, Distt- Vaishali
2. Inglish Kumar S/o Devi Rai R/o Village- Champapur, P.S.- Bakhtiyarpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Dinesh Singh

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 10-06-2020 Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Sections 399 and 402 of the Indian Penal Code and 25(1-b)a, 26/35 of the Arms Act.

Allegation against petitioner no. 1 is of recovery of one country made katta and allegation against petitioner no. 2 is of two live cartridges.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case on mere suspicion. It has been further submitted that neither the



seizure list was prepared in presence of any independent witness nor the petitioners put their signature on seizure list, which is violation of the provisions laid down under Section 100 of Cr.P.C. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 05.06.2020 in Criminal Miscellaneous No. 19024 of 2020. Petitioner has got no criminal antecedent and is in custody since 13.12.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Hajipur Town P.S. Case No. 1110 of 2019**, 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.



(3) If the petitioners tamper 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.

(S. Kumar, J)

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