

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19918 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- UDAKISHUNGANJ District- Madhepura

1. Ramesh Kumar Son of Late Baijnath Goswami Resident of Village - Pipra Karauti, Ward No.2, P.S.- Uda Kishunganj, Dist- Madhepura.
2. Pawan Kumar Son of Sree Kant Goswami, Resident of Village - Pipra Karauti, Ward No.2, P.S.- Uda Kishunganj, Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-06-2020 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners who are in custody since 3.2.2020 have filed the instant application for grant of regular bail in connection with Uda-Kishunganj P.S. Case no. 22 of 2020 registered under sections 25(1-B)(a), 26 and 35 of the Arms Act.

With respect to defects pointed out by the office, it is submitted by learned counsel for the petitioners that he will be confining this application to an application under sections 439 and 440 of the Code of Criminal Procedure with respect to petitioner no. 1 only. He is not pressing the application for petitioner no. 2, for which he will be filing a separate



application.

In view of the above, the instant application is confined to the petitioner no. 1 only. The application so far as petitioner no. 2 is concerned is permitted to be withdrawn with liberty to file a separate application.

So far as the order dated 27.2.2020 passed in B.P. no. 128 of 2020 with respect to petitioner no. 2 is concerned, let a photocopy copy of the same be retained on record and certified copy of said order be returned to the counsel for petitioners.

As per allegation in the FIR, when a Maruti Alto vehicle was asked to stop by the police personnel, five persons including the petitioner herein attempted to escape but were caught. On search, two live cartridges were recovered from the possession of the petitioner no. 1.

It is submitted by learned counsel for the petitioner no. 1 that from perusal of the certified copy of the seizure list, which is part of the FIR, it would be evident that the name of the petitioner no. 1 does not even figure in the seizure list. The petitioner no. 1 has no criminal antecedent and is in custody since 3.2.2020.

The application for bail is opposed by learned APP for the State who submits that two live cartridges were



recovered from the possession of the petitioner. It is further submitted that although the name of the petitioner no. 1 does not figure in the seizure list, it appears to be an error, however, a copy of the seizure list was served on each of the accused persons including the petitioner no. 1 herein.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the FIR together with the petitioner no. 1 having no criminal antecedent and being in custody since 3.2.2020, the Court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1 is directed to be enlarged on bail in connection with Uda-Kishunganj P.S. Case no. 22 of 2020 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Uda-Kishunganj, Madhepura.

(Partha Sarthy, J)

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