

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29050 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- BARH District- Patna

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1. Vikki Mishra @ Vikki Tiwari, S/o Late Bhuvar Mishra, Resident of Village-
Barauni Sugraha Tiwari tola, P.S.-Phulwaria, District-Begusarai.
 2. Raushan Pandey, S/o Shri Nagina Pandey, Resident of Village-Hasanpur
Tola Teghra, P.S.-Teghra, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Sangita Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-11-2020 Since as of now the Courts have not resumed normal

physical hearing, the matter has been listed today for

consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Ms. Sangita Sharma, learned APP is appearing for the
State as it is submitted that the brief has been allotted to her by
the office of Advocate General.

Heard learned counsel for the petitioners and the
learned APP for the State.



The petitioners seek bail in connection with Barh P.S. Case No.14 of 2020 registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

On receiving information that some criminals are planning to loot, the police have reached near the State Bank of India, Barh Branch. Petitioner Nos.1 and 2 are said to have been apprehended while fleeing away and from their possession one country-made pistol with live cartridge and mobile phone etc. were recovered.

Petitioners' counsel submits that even as per the prosecution case, no incident of loot has led to the petitioners' arrest. The allegation is only of planning. It is submitted that on the basis of antecedents, the petitioners have been apprehended merely on suspicion. They are in custody since 10.01.2020. The seizure of the alleged arms and ammunition is not in accordance with Section 100 Cr.P.C.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, 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 learned A.C.J.M.-I, Barh, in connection with Barh P.S. Case No.14 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

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