

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13455 of 2021

Arising Out of PS. Case No.-139 Year-2020 Thana- SANDESH District- Bhojpur

1. Gendhari Singh Son Of Late Kailash Singh Resident Of Village - Surungapur, P.S. - Sandesh, District - Bhojpur
2. Ramjee Singh Son of Late Kailash Singh Resident of Village - Surungapur, P.S. - Sandesh, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Chandrasen Pd. Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Sandesh P.S. Case No. 139 of 2020 registered for the offence punishable under Sections 307, 120 B of the Indian Penal Code and Sections 25(1-b)a/26/27/35 of the Arms Act.

Actiong on a tip of informantion that some scuffle and firing was going on between the petitoners and his agnate/family members informant reached the place of occurrence and apprehended the



petitioners and co-accused persons with arms and ammunition. Accordingly seizure list was made.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that one Raju Singh was arrested and from his possession one pistol without cartridge and two mobiles have been recovered and on his disclosure two country made pistol having one empty cartridge is said to have been recovered from the joint house of the petitioner No. 2 but nothing has been recovered from their conscious physical possession. It is stated that for the one occurrence two cases have been lodged one is as Sandesh P.S. Case No. 139/2020 under Section 307, 120 B of the I.P.C. and 25(1-b)a, 26, 27, 35 of the Arms Act and another is Sandesh P.S. Case No. 141/2020 under Section 147, 148, 149, 324, 325, 307, 302 of the I.P.C. and 27 of the Arms Act and in both the cases the petitioners have been involved which is not proper in the eye of law. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have criminal antecedents as has been mentioned in para 3 of this bail petition and have been languishing in custody since 03.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of



the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sandesh Police Station Case No. 139 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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