

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14909 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- PIRPAINTI District- Bhagalpur

1. Aman Kumar Kunwar, aged about 21 years Son of Sri Mangal Kunwar R/o village- Bakharpur, Kunwartoli, P.S.- Bakharpur, Distt.- Bhagalpur
2. Madan Kunwar, male, aged about 28 years, S/o Fagu Kunwar R/o village- Bakharpur, Kunwartoli, P. S.- Bakharpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioners seek bail in Pirpainty (Bakharpur) PS Case No. 216 of 2020, instituted for the offence under Sections



399 and 402/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

On a tip-off regarding dreaded criminal Basuki Thakur assembling with other criminals, the police party have conducted a search. The prosecution case is that three persons were apprehended and few escaped. The petitioners are two of the apprehended persons.

The learned counsel for the petitioners submits that alleged recovery from petitioner No.1 is four live cartridges whereas from petitioner No. 2 there is alleged recovery of a magazine containing 12 bullets. Based on such recovery, both the petitioners have been in custody now since 01.11.2020 though they have no criminal antecedents. It is submitted that on refusal to bear witness to the seizure of arms and ammunition made from the said Basuki Thakur, the petitioners have been falsely implicated in this case by the police.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.



Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- XI, Bhagalpur, in connection with Pirpainty (Bakharpur) PS Case No. 216 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

