

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16794 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- KISHUNPUR District- Supaul

1. Sanjay Yadav Son Of Late Mahavir Yadav Resident Of Balwa, P.S.- Supaul, District - Supaul
2. Manjesh Kumar Yadav Son Of Ram Bilash Yadav Resident Of Balwa, P.S.- Supaul, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhouri Vipin Bihari Shrivastava

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2021 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 Kishanpur P.S. Case No. 283 of 2020 registered for the offence punishable under Sections 399, 402, 120B of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act, later on Section 115 of the I.P.C. has also been added.

As per the prosecution case, allegation against the petitioners is that petitioners along with one co-accused person boarded the bus



and looted passengers on the point of pistol. It is alleged that all the accused persons are searching for one *Nirdosh Yadav* to kill him on the direction of *Santosh Bhaiya* who is in jail custody. On search, one country made pistol with two loaded cartridges were recovered from the possession of co-accused *Deepak Kumar*.

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. No such occurrence as alleged ever took place. He submits that a scuffle was held between petitioners and bus conductor for fare of bus due to which they are falsely implicated in this case by bus driver and conductor. He submits that no incriminating article has been recovered from their conscious physical possession rather one country made pistol with two loaded cartridges were recovered from the possession of co-accused *Deepak Kumar*. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent as has been mentioned in para 3 of this bail petition and they are languishing in custody since 17.10.2020.

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/successor Court in connection with
Kishanpur P.S. Case No. 283 of 2020.

However, the court below is directed to verify the criminal
antecedent of the petitioners before accepting the bail bond.

(Anjani Kumar Sharan, J)

GAURAV S./-

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