

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20050 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- RAJAON District- Banka

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1. Jitendra Kumar S/O Ram Lal Mandal @ Ram Tanti R/O Village- Padampur, P.S.- Navada Bazar (Rajoun), District- Banka
 2. Dhananjay Kumar S/O Yogendra Singh R/O Village- Padampur, P.S.- Navada Bazar (Rajoun), District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 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 Rajoun (Nawada Bazar) P.S. Case No. 240 of 2020 (G.R. No. 1875 of 2020) registered for the offence punishable under Sections 25 (1-B)A-26/35 of the Arms Act and Sections 399, 402 of the Indian Penal Code.

As per the allegation in the F.I.R. a country made pistol



along with one live cartridge were recovered from the possession of petitioner No.1 and one live cartridge was recovered from the possession of petitioner No. 2. On enquiry, they told that they were making plan to committ dacoity from a truck driver.

Learned counsel for the petitioners submits 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 on the basis of confessional statement of one co-accused *Shankar Pd. Singh*, petitioners have been made accused in the present case, which has no evidentiary value in the eyes of law. He further submits that the above similary situated co-accused has already been granted bail *vide* order dated 25.03.2021 in Cr. Misc. No. 5299 of 2021 by a Co-ordinate Bench of this Court. 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 29.06.2020.

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/successor Court in connection



with Rajoun (Nawada Bazar) P.S. Case No. 240 of 2020 (G.R.
1875/20).

(Anjani Kumar Sharan, J)

GAURAV S./-

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