

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25557 of 2021

Arising Out of PS. Case No.-1009 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. Sonu Kumar, S/O Late Bajjnath Rai, R/O Village-Pachrukhiya Kala, Police Station-Koilwar, District-Bhojpur.
2. Manish Kumar, S/O Shashi Prasad @ Shashi Lal, R/O Mohalla-Moti Tola, Police Station-Ara Nagar, District-Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Ara Nawada P.S. Case No. 1009 of 2020 registered for the offence punishable under Section 25 (1-b)A, 26, 35 of the Arms Act. They are in custody since 29.12.2020. Petitioners have got one criminal antecedent in which their prayer for bail is pending.

Learned counsel for the petitioners submits that as per the prosecution story, the informant got secret information that two boys who were involved in firing at Bishnunagar on



22.12.2020 are sleeping in the building situated at Bus Stand. The informant reached there and apprehended the petitioners and recovered one country made pistol with one live cartridge from petitioner no. 1 and one live cartridge from petitioner no. 2.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners have remained in jail in connection with this case since 29.12.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that from possession of the petitioner no. 1 one country made pistol and one live cartridge has been recovered whereas from possession of the petitioner no. 2 only one live cartridge has been recovered whereas they have remained in jail in connection with this case since 29.12.2020, investigation against them is complete and at this stage it is not the submission on behalf of the State that their release is likely to result in tampering with evidence or interfering with the course of trial and further that in the only case against the petitioners



their prayer for bail is pending, so far as present case is concerned, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 1009 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

