

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29316 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- JOGBANI District- Araria

-
1. RAHUL KUMAR DUBEY Son of Ravindra Dubay Resident of Village - Jogbani Patel Nagar, P.S.- Jogbani, District - Araria.
 2. Sanjay Kumar Mandal @ Sanjay Mandal Son of Bidyanand Mandal Resident of Village - Jogbani Netaji Chowk, P.S.- Jogbani, District - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Jogbani P.S. Case No. 14 of 2021 registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act and Section 414 of the I.P.C.

According to prosecution case, having got secret information that some miscreants were carrying illegal firearms in a vehicle, the informant along with other police officials started checking the vehicle at Teliyari Gate. During checking



three persons riding on a motorcycle started fleeing but they were apprehended. On search, two live cartridges, two mobile phones, one motorcycle and nepali currency were recovered from possession of the petitioners.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioners. Learned counsel further submits that the motorcycle which has been recovered from possession of petitioner no. 1 is not a stolen property and the same belongs to petitioner no. 1. Petitioners are in custody since 22.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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-VI, Araria in connection with Jogbani P.S. Case No. 14 of 2021, subject to the following conditions:-



1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

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

