

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40749 of 2021

Arising Out of PS. Case No.-765 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. NIRANJAN KUMAR Son of Suresh Mandal Resident of Village - Amapur, Trimuhani, P.S. - Kahalgaon, District - Bhagalpur.
2. AJAY MANDAL Son of Ram Das Mandal Resident of Village - Amapur, Trimuhani, P.S. - Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2021 Heard the parties.

Petitioners seek bail in a case registered for the offence punishable under section 395 and other ancillary sections of the Indian Penal Code and sections 25(1-B)a/26/27/35 of the Arms Act.

As per the prosecution case, a country made pistol and two live cartridges have been recovered from the possession of petitioner no.1, whereas two live cartridges have been recovered from the possession of petitioner no.2. Cash Rs.1795/- has also been recovered from petitioner no.1.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. No incriminating material has been recovered from the conscious possession of the petitioners and seized cash in fact belongs to petitioner no.1. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 8.12.2020. Charge sheet has



already been submitted.

In the facts of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged 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 Chief Judicial Magistrate, Bhagalpur in Kahalgaon Police Station Case No. 765 of 2020 on 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.

(Prabhat Kumar Singh, J)

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