

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34805 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- DEEPNAGAR District- Nalanda

1. SONU KUMAR S/o Arun Yadav R/o village- fMahanandpur, P.S.- Deepnagar, District- Nalanda
2. Dhananjay Kumar S/o Ram Prit Yadav R/o village- Kachara (Dihra), P.S.- Chandi, District- Nalanda

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Munna Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-01-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Deep Nagar P.S. Case No. 136 of 2020, registered for the offence punishable under Sections 414 of the Indian Penal Code and Sections 25(1-B)/A/26/35 of the Arms Act.

The petitioners are in custody since 28.05.2020. It is alleged in the First Information Report that the petitioners were travelling in a motorcycle, when the police intercepted them. On search, from petitioner No.1, one country made pistol and four live cartridges were recovered, whereas from the possession of petitioner No.2 five cartridges were recovered. Under the presumption that the motorcycle was stolen one, the police registered the First Information Report levelling offence



punishable under Section 414 of the Indian Penal Code also.

Learned counsel appearing on behalf of the petitioners has submitted that no offence under Section 414 of the Indian Penal Code can be said to be made out as the motorcycle belongs to petitioner No.1 and he is the registered owner of the said motorcycle. He has further submitted that the petitioner has no criminal antecedent.

Considering the aforesaid submission and the fact that the petitioners are in custody since 28.05.2020, this application is allowed.

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 Chief Judicial-1st Magistrate, Nalanda, in Deep Nagar P.S. Case No. 136 of 2020.

(Chakradhari Sharan Singh, J)

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