

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47260 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. MANOJ KUMAR BIND S/o Late Mata Prasad R/o village- Dhirauli Lachchan, P.S.- Khutahan, District- Jaunpur (U.P.)
2. Sajid Sah S/o Budhu Sah R/o village- Suithakala, P.S.- Sarvataha, Distt.- Jaunpur (U.P.)
3. Shubham Singh S/o Late Akhilesh Singh R/o village- Suithakal, P.S.- Sarvataha, District- Jaunpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-12-2021 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Mohania P. S Case No. 250 of 2021 for the offences punishable under Section 414 of the Indian Penal Code and 25(1-b)a, 26,35 of the Arms Act.

As per prosecution case, while checking of vehicle one Toyota Car coming towards Uttar Pradesh stopped by the police personnel and there were four accused persons sitting in



the car. During search of vehicle 20 piece of .315 bore cartridges were recovered.

Learned counsel for the petitioner submits that petitioners have clean antecedent and they have been falsely implicated in this case. He further submits that after investigation police submitted charge sheet under section 25(1-b)a, 26,35 of the Arms Act. The fire arm has not been recovered from possession of the petitioners and the seizure list was not prepared in the presence of independent witnesses. Petitioners are in jail custody since 25.06.2021.

The learned A.P.P opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhua in connection with Mohania P.S.Case No. 250 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.

4. All the bailers must be family members of the petitioners/ local residents.

(Rajesh Kumar Verma, J)

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