

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6510 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. VISHAL KUMAR Son of Late Sudama Prasad Resident of Village- Headri Bazar, Gandhi Nagar, P.S.- Town Motihari, Distt- East Champaran, Motihari.
 2. Lal Babu Khalifa S/o Late Rajendra Khalifa Resident of Village- Korigama, P.S.- Kotwa, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioners seek bail in Dumariyaghat P.S. Case
No. 135 of 2020, registered for the offence punishable under
Sections 399, 402 of the Indian Penal Code and sections
25(1-B)A, 26 and 35 of the Arms Act.

On secret information that some miscreants have
assembled near Malang Baba Temple to commit crime, raid was
conducted and these petitioners and co-accused Dhiraj Singh
were arrested on the spot. Upon search, one loaded country



made pistol was recovered from possession of co-accused Dhiraj Singh.

It is submitted on behalf of the petitioners that nothing has been recovered from possession of these petitioners and they have been falsely implicated in this case. Petitioners are in custody since 05.06.2020.

Considering the period of custody coupled with the fact that there is no recovery from possession of these petitioners, the petitioners above-named, are directed to 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 the learned Additional Chief Judicial Magistrate I, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 135 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

vinita/-

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