

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5839 of 2022

Arising Out of PS. Case No.-468 Year-2021 Thana- KAHALGAON District- Bhagalpur

Sunny Kumar Alias Rahul Kumar Alias Rahul Alias Sanny Sah, Son of Late Suresh Mandal, Resident of Village - Tilkamanjhi, P.s.- Kotwali (Tilkamanjhi), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11123 of 2022

Arising Out of PS. Case No.-468 Year-2021 Thana- KAHALGAON District- Bhagalpur

Santosh Kumar @ Santosh Sah, Son of Sri Ashok Sah, Resident of Village- Kalgiganj, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5839 of 2022)

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 11123 of 2022)

For the Petitioner/s : Mr.Shyam Kishor Das, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Since both the applications arise out of Kahalgaon P.S. Case No. 468 of 2021, as such, they have been taken up together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Kahalgaon P.S. Case No. 468 of 2021 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received information about gathering of some miscreants who were armed and making preparation for committing dacoity/robbery. A raid was conducted and 4-5 miscreants tried to flee away from the spot on seeing the police party but two of them were apprehended who are the petitioners of this case. On search, one loaded country made pistol with one live cartridge were recovered from each of the petitioners.

It has been submitted by the learned counsels for the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with each other. Nothing incriminating has been recovered from the possession of the petitioners. The witnesses of the seizure list are all official witnesses and the search and seizure has been made in contravention of provisions of law. It has further been submitted that recovered cartridges are 8mm but the said



cartridges could not be used with the recovered pistols. The petitioners are in custody since 18.07.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offender and are accused in a number of cases of serious nature.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along with submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 468 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

