

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8120 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- GAYA MUFASIL District- Gaya

CHHOTU @ BAUNA Son of Thakur Prasad Resident of Mohalla- Manpur,
Masjid Gali, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8684 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. JITENDRA KUMAR @ ETA S/o Baijnath Paswan R/o Mohalla- Gandhi Nagar, Mattipar, P.S.- Muffasil, District- Gaya
2. Rahul Kumar S/o Dilip Manjhi R/o Mohalla- Kumahar Toli, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8120 of 2022)

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

(In CRIMINAL MISCELLANEOUS No. 8684 of 2022)

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for
the offence under Sections 399 and 402 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.



According to the prosecution, several arms and ammunitions, mobiles and 24 bottles of liquor are said to have been recovered from the possession of the petitioners and others.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R., one loaded country made pistol and one live cartridges have been recovered from the possession the petitioner, namely, Rohit Kumar @ Timsi, two live cartridges are said to have been recovered from the possession of petitioner namely, Jitendra Kumar @ Eta and one loaded country made pistol along with two live cartridges are said to have been recovered from the possession of the petitioner, namely, Chhotu Kumar @ Bauna. He further submits that in fact, nothing has been recovered from the conscious possession of the petitioners rather the police has planted the story and shown the recovery from the exclusive possession of the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since



07.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Chhotu @ Bauna carries six cases other than the present one whereas the petitioners, namely, Jitendra Kumar @ Eta and Rahul Kumar are having three and two cases, respectively, other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Muffasil P.S. Case No. 175 of 2021 with 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 canceled 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.

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.

(Rajesh Kumar Verma, J)

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