

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11498 of 2022**

Arising Out of PS. Case No.-267 Year-2021 Thana- BABUBARHI District- Madhubani

1. Abhilash Kumar Thakur, @ Shubham, Son of Navin Thakur @ Navin Kumar Thakur, Resident of Village- Baruar, P.S.- Babubarhi, District- Madhubani.
2. Ranjan Kumar Jha, Son of Vishwanath Jha, Resident of Village- Baruar, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 04-07-2022 Heard learned counsel 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Babubarhi P.S. Case No. 267 of 2021 registered for the alleged offences under Section 188 of the Indian Penal Code and Section 25 (1-b)a, 26/35 of Arms Act.

Allegedly, the petitioner no. 1 was apprehended with a loaded pistol with three live cartridges and petitioner no. 2 was apprehended with two live cartridges.



The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to village politics of Mukhiya Election. Nothing has been recovered from conscious possession of the petitioners and the motorcycle alleged to be stolen belongs to petitioner no.1. The petitioners are students and are having clean antecedent. They are in custody since 17.11.2021. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners were apprehended during checking and a loaded pistol with three live cartridges was recovered from the possession of petitioners no.1, whereas, from the possession of petitioner no. 2, two live cartridge was recovered.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and the petitioners are in custody since 17.11.2021 and are having clean antecedents, 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 Additional Chief Judicial Magistrate-1, Madhubani in connection with Babubarhi P.S. Case No. 267 of 2021, subject to the following conditions :



(i) One of the bailors will be 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 for 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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

