

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15928 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- JAYNAGAR District- Madhubani

JAI NATH SAH SON OF LAKSHMAN SAH RESIDENT OF VILLAGE
AND POST- SIRHA, WARD NO. 2, POLICE STATION- SIRHA,
DISTRICT- SIRHA (NEPAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23482 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- JAYNAGAR District- Madhubani

1. RUPESH KUMAR YADAV Son of Ramdev Yadav Resident of Village - Mahisotha Province No.- 2, P.S.- Sirha, District - Sirha, Nepal
2. Dharmendra Yadav Son of Kamaldev Yadav Resident of Village - Mahisotha Province No.- 2, P.S.- Sirha, District - Sirha, Nepal

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India. New Delhi

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15928 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Jha

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

For the State : Mr. Kumar Uday Pratap

(In CRIMINAL MISCELLANEOUS No. 23482 of 2022)

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 21-07-2022 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.



Heard learned counsel for the petitioners and learned APP for the State in both these Cr. Misc. petitions and disposed of by this similar order.

The petitioners have preferred this application for grant of regular bail in a case registered under Section 120 (B) of the Indian Penal Code and under Section 17 of the Citizenship Act, 1955 and under Section 14(A) (C) of the Foreigners Act, 1946.

As per the prosecution case, six persons boarded on an auto were coming towards Indian territory from Nepal which was intercepted by the police. The three Nepalis citizens and the three Nigerians were found sitting in the said auto.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have clean antecedent as stated in para 3 of the bail petition. He further submitted that the petitioners entered the Indian territory because of mistake since it is an open border and they were tourists.

Learned A.P.P. for the State has opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances, the petitioners above-named, are directed to be enlarged on bail on his furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) each with



two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Madhubani, in connection with Jaynagar P.S. Case No. 311 of 2021, with following conditions:-

1. One of the bailors must be a citizen of India.
2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

shobhakri/-

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

