

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35148 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- RAJIVNAGAR District- Patna

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KUNDAN RAM Son of Late Shravan Ram R/O - Chulaichak Naharpar, P.S.-
Rupaspur, Dist.- Patna at Present Punaichak Naharpar, P.S.- Shastri Nagar,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59847 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- RAJIVNAGAR District- Patna

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RAHUL RAM Son of Late Ramgahan Ram Resident of Village at Rupaspur
Nahar, P.S. - Rupaspur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35148 of 2021)

For the Petitioner/s : Mr.Chandra Shekhar Prasad

Mr. Ram Prakash Kumar

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 59847 of 2021)

For the Petitioner/s : Mr.Jainendra Kumar Pushkar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.



Since both the bail applications arise out of the same Rajeev Nagar PS Case No. 108 of 2020, as such, both were taken up together and are being disposed of by this common order.

Petitioners seek regular bail in connection with Rajeev Nagar PS Case No. 108 of 2020 registered for the offence under Sections 25 (1-b)a, 26, 35 of the Arms Act.

One country made pistol has been recovered from the possession of the petitioner - Kundan Ram (Cr. Misc. No. 35148 of 2021) and two iron *Chheni*, two iron *Sharshi* (pliers) and one iron rod have been recovered from the possession of petitioner- Rahul Ram (Cr. Misc. No. 59847 of 2021).

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case by the Police with oblique motive and they have not committed any offence in the manner alleged. They further submit that at the time of search and seizure procedures prescribed under the Cr.P.C. have not been followed by the Police and from perusal of paragraph- 30 of the case diary it would be evident that Police has recorded that there is no criminal antecedent against the petitioners, however, petitioners have been implicated in eight other cases subsequently, which would be evident from



paragraph- 51 of the case diary. On the other hand, learned counsel appearing in the case of Kundan Ram submits that earlier the petitioner / Kundan Ram was having antecedent of two cases only, but Police has falsely implicated him in six cases subsequently. Petitioners are in custody since 21-3-2020.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioners are in custody since 21-3-2020, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners Kundan Ram and Rahul Ram in Cr. Misc. No. 35148 of 2021 and Cr. Misc. No. 59847 of 2021 respectively be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge III cum A.C.J.M. III, Patna / concerned court in connection with Rajeev Nagar PS Case No. 108 of 2020 on the following condition:-

(a) that the petitioners shall remain present on each and every date during the trial and in case of default on two consecutive dates without prior



permission of the trial court, their bail bond shall
liable to be cancelled.

(Anil Kumar Sinha, J)

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