

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48065 of 2021

Arising Out of PS. Case No.-403 Year-2019 Thana- GANDHIMAIDAN District- Patna

1. Jhagaru @ Gopal @ Jhagru, Son of Laxman Sahni, Resident of Mohalla- Anta Ghat, Jhoparpatti, P.S.- Gandhi Maidan, District- Patna.
2. Mukesh Kumar, Son of Shivjee Sahni @ Bajrang Sahni, Resident of Mohalla- Anta Ghat, Jhoparpatti, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advcoate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

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

The petitioners seek bail in connection with Gandhi Maidan P.S. Case No.403 of 2019 instituted for the offence punishable under Sections 380, 414 and 34 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

The police during patrolling have recovered firearms and knives from four persons. They have stated that the arms were stolen and handed over to them by the petitioners for selling the same.



Petitioners' counsel submits that the petitioners' implication is based on the statement of co-accused. There is no recovery from the petitioners. They have clean antecedents. Petitioner Nos.1 and 2 are now in custody since 23.12.2020 and 02.12.2020, respectively. The co-accused from whom there is alleged recovery of arms have been allowed bail in Cr.Misc. No.4271 of 2020 and Cr.Misc. No.4985 of 2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that as per the prosecution case, there is no recovery from the petitioners and the fact that they have no antecedents and their implication is based on the statement of co-accused; as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Sub-Judge-XIV-Additional Chief Judicial Magistrate, Patna, in connection with Gandhi Maidan P.S. Case



No.403 of 2019, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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