

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21902 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

1. Ajay Uraon, Son Of Nunua Urawn Resident Of Mohalla - Sirsa Kanwa Tola, P.S.- Mufassil, District - Katihar.
2. Dipak Kumar Uraon Son Of Nunua Urawn Resident Of Mohalla - Sirsa Kanwa Tola, P.S.- Mufassil, District - Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
25(1-B)A, 26 and 35 of the Arms Act.

The learned counsel for the petitioners submits that
the petitioners have antecedent of one case and the informant
alleges that during the course of investigation of Mufassil P. S.
Case No.53 of 2021, it transpired that the informant of the said
case in order to give serious colour to the case had got arms
implanted through the petitioners, who were also witnesses in
the said case.



The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that petitioners are co-villagers of the informant of Mufassil P. S. Case No.53 of 2021 and they were called for becoming a witness in the F.I.R. and the petitioners considering the request of the informant of Mufassil P. S. Case No.53 of 2021 without knowing the allegation in the F.I.R. i.e. Mufassil P. S. Case No.53 of 2021, became witnesses.

The learned counsel for the petitioners next submits that during the course of investigation of Mufassil P. S. Case No.53 of 2021, it transpired that the informant of the said case through the witnesses i.e. the petitioners and others had got implanted the arms in order to give serious colour to that case based on which the present F.I.R. came to be instituted. The learned counsel submits that whatever has transpired during the course of investigation in Mufassil P. S. Case No.53 of 2021 that is not sacrosanct. It is also submitted that at best the petitioners on the F.I.R. were witnesses and were persons with clean antecedent prior to institution of Mufassil P. S. Case No.53 of 2021, which they had instituted against the accused of that case and the accused persons of Mufassil P. S. Case No.53 of 2021 instituted Mufassil P. S. Case No.54 of 2021 against the



petitioners.

The learned counsel next draws the attention of the Court to order dated 20.09.2022 in Cr. Misc. No.15561 of 2022 to submit that one of the co-accused Santosh Kumar had also moved for anticipatory bail before this Court and this Court after hearing the parties was pleased to allow Santosh Kumar to withdraw the anticipatory bail application with an observation that in the event, if he surrenders on or before 12.10.2022, the learned trial Court shall dispose of the case of the petitioner on the same day keeping in mind the fact that Santosh Kumar (petitioner) was merely a witness of Mufassil P. S. Case No.53 of 2021.

It is next submitted that the observation of the Court has to be followed and when the Court observes that the case is to be disposed of on the same day and at the same time also records some observation that is an ample indication to the learned trial Court for considering the case positively, but then when Santosh Kumar surrendered in terms of the order of this Court, he was sent behind bars.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muffasil P. S. Case No.181 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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