

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22560 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- SHAMBHUGANJ District- Banka

1. Sanjay Choudhary son of Late Singeshwar Choudhary Resident of Village - Fakin Kasba, P.S. Shambhuganj, District - Banka.
2. Dayal Singh @ Dahla Singh @ Dayla Singh son of not known Resident of Village - Khangah, P.S. Shambhuganj, District - Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioners are directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioners seek regular bail in connection with Shambhuganj P.S. Case No. 271 of 2021 registered for the offences punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and under Section 25(1-B)a/26 of Arms Act.

As per allegation, the petitioners firstly abused the informant when he went to market and the informant protested



then the petitioner Dayal Singh pointed a country made pistol at the informant and thereafter the informant and other persons caught hold the petitioners during that course, the petitioner Dayal Singh handed over the alleged Katta to petitioner Sanjay Choudhary and after that ran away and thereafter said Sanjay Choudhary handed over the said Katta to Mukhiya and he also fled away.

The main submissions advanced by learned counsel for the petitioners are that both the petitioners have been languishing in jail since 01.12.2021 and the allegations made in the FIR are completely false and fabricated. Further submission is that against the petitioner Sanjay Choudhary, there is criminal antecedent of one case in which he is on bail and against petitioner Dayal Singh there is antecedent of two cases in which he is also on bail.

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

Having considered the fact that the alleged fire-arm which is stated to have been recovered from the possession of petitioners, was handed over to the police by the informant and his co-villagers and accordingly, the said weapons was produced before the police by private persons, in my view a lenient ap-



proach can be taken in respect of petitioners' prayer let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Shambhuganj P.S. Case No. 271 of 2021, on the following conditions.

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioners.

(Shailendra Singh, J)

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