

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23459 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- Dhanarua District- Patna

1. Jaj @ Judge Kumar Son of Dhuri Yadav, Resident of Village - Chakrhima, P.S.- Gaurichak, Distt.- Patna.
2. Sadhu Kumar Son of Dhuri Yadav, Resident of Village - Chakrhima, P.S.- Gaurichak, Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suryadeo Prasad Singh, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Dhanarua P.S. Case No. 426 of 2021 lodged under Sections 392, 307 and 411 of the Indian Penal Code read with Section 27 of the Arms Act.

As per the prosecution case, the allegation of dacoity is there in the F.I.R. against the four named accused persons including the petitioners.

Learned counsel for the petitioners submits that the

name of the petitioners have figured in this case by virtue of the confessional statement of the co-accused Neeraj Kumar. The petitioners were apprehended from the place of occurrence. He further submits that petitioners are in judicial custody since 10.12.2021, charge sheet has already been filed in the case. On the point of their criminal antecedent, he submits that they have specifically and categorically mentioned in their petition (paragraph 3) that petitioners have been made co-accused in Dhanarua P.S. Case No. 427 of 2021 and 428 of 2021 and praying for bail in Dhanarua P.S. Case No.426 of 2021, as such it is clear that petitioners have no criminal antecedent prior to this occurrence. He further submits that section 27 of the Arms Act is not applicable since nothing was recovered from their conscious possession and no T.I.P. has taken place.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. - Ist, Masauri (Patna) in connection with Dhanarua P. S. Case No. 426 of 2021,

subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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