

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24025 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MADANPUR District- Aurangabad

1. Sanjay Kumar, Son of Ram Nagina Singh, Resident of Village - Belhariya, P.S.- Tekari, Distt.- Gaya.
2. Sadab Alam, Son of Jasimuddin, Resident of Village - Belhariya, P.S.- Tekari, Distt.- Gaya.
3. Akhilesh Yadav, Son of Sri Ram Swaroop Yadav, Resident of Village - Belhariya, P.S.- Tekari, Distt.- Gaya.
4. Sunil Yadav, Son of Sahdeo Yadav, Resident of Village – Nepa, P.S.- Tekari, Distt.- Gaya.
5. Piyush Kumar, Son of Shatrughan Singh, Resident of Village - Kadona, P.S.- Kodona, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2022 As prayed for, the learned counsel for the petitioners is permitted to make necessary correction of title page regarding address of the petitioner no. 5, Piyush Kumar, in course of the day.

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.



In the present case, the petitioners seeks bail in connection with Madanpur P.S. Case No. 76 of 2022, registered for the alleged offences under Sections 399/402 of the Indian Penal Code and Section 25(1)b-a/26(II)/35 of the Arms Act.

The prosecution case is that the police intercepted a Scorpio vehicle on secret information that some criminals were making plan for committing a crime. From the intercepted vehicle, all the petitioners were apprehended and one country made loaded pistol along with a live cartridge apart from mobile phones and cash were recovered.

The learned counsel for the petitioners submits that petitioners are innocent and they have been going to attend some marriage party and they were apprehended merely on the basis of suspicion. The petitioners have nothing to do, even with the vehicle from which they were apprehended. The cash or mobile phones recovered from the petitioners belong to them and are not related to any crime. There is no direct or indirect cogent evidence against the petitioners, who are in custody since 20.02.2022. Charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioners were making plan of committing some offence and petitioner nos. 1 and 2 are having criminal



antecedents.

Having regard to the submissions made hereinabove and considering the nature of allegation and the period of their custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 76 of 2022, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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