

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19205 of 2022**

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

DEEPAK KUMAR S/o Ganesh Thakur R/o village- Ismailpur, P.S.- Hajipur
Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28604 of 2022

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

NAGMANI SINGH Son of Laxman Singh Resident of Village - Mawua, P.S.-
Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31439 of 2022

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

MUKESH KUMAR @ RUPESH KUMAR Son of Chandeshwar Rai
Resident of Village-Panapur Gaurahi, P.S.-Sadar Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19205 of 2022)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 28604 of 2022)

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 31439 of 2022)

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-08-2022

Heard learned counsel for the petitioners and

learned counsel for the State.



Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Hajipur Town P.S. Case No. 955 of 2021 for the offences under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the allegation in the FIR, the informant has alleged that on 30.11.2021, they got information that the accused persons are going to do some criminal act and upon said information, as they reached near the Gandak barrage, found 7-8 accused persons sitting there and upon seeing the police party, they tried to flee away. They were apprehended by the police and who disclosed their names as Rishi Kumar, Vikky Kumar @ Dhananjay Kumar and Mukesh Kumar @ Rupesh Kumar.

Upon search from Vikky Kumar @ Dhananjay Kumar, a loaded pistol and two live cartridges, from Mukesh Kumar, a loaded pistol and live cartridge, from Nagmani Singh, a loaded pistol and live cartridges and from Rishi Kumar and Dipak Kumar, knives were recovered. As they failed to provide any document, the same were seized and they were arrested.

Upon interrogation, it was informed by them that had



committed dacoity a week ago on 23.11.2021 in a gift shop in which beside gold and silver ornaments worth Rs. 20-25 lakhs, cash of Rs. 4.50 lakhs as also mobile phones were looted. The said loot led to lodging of Hajipur (Town) P.S. Case No. 940 of 2021 lodged on 23.11.2021.

Learned counsels for the petitioners submit that in the said Hajipur (Town) P.S. Case No. 940 of 2021, they have been remanded and as such, they will face the music. However, in the present case they have been apprehended with the alleged pistols and knives for which they have already suffered by being in custody since 02.12.2021.

Considering the fact that so far as the present case is concerned, it relates to recovery/seizure of countrymade pistols, live cartridges and also knives used in alleged dacoity in a gift shop is concerned, a separate Hajipur (Town) P.S. Case No. 940 of 2021 is already there and the petitioners have already been remanded coupled with the fact that they are in custody since 02.12.2021 and charge sheet stands submitted, this Court is inclined to grant them the privilege of bail but with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial



Magistrate, Vaishali at Hajipur in connection with Hajipur Town
P.S. Case No. 955 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of
the petitioners, who shall provide official document to show
his/her *bona fide*;

(ii) the petitioners shall appear on each and every
date before the Trial Court and failure to do so for two
consecutive dates without plausible reasons will entail their
cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police
station every months till the conclusion of the trial to mark their
presence;

(iv) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail applications
are allowed.

(Rajiv Roy, J)

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