

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39062 of 2021

Arising Out of PS. Case No.-131 Year-2021 Thana- KANTI District- Muzaffarpur

1. RANJAN KUMAR S/O DINESH PASWAN RESIDENT OF VILLAGE KANTI @ KANTI KASWA, WARD NO 1, P.S KANTI, DISTRICT MUZAFFARPUR
2. RAKESH KUMAR S/O CHANDRADEO PASWAN @ CHANDEO PASWAN R/O VILLAGE-KANTI @ KANTI KASWA, WARD NO.1, P.S-KANTI, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Punam Shrivastava, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Shyameshwar Dayal, the learned APP for the State.

The petitioners seek regular bail in connection with Kanti PS case no. 131 of 2021 instituted for the offences punishable under Sections 399, 400, 402 of Indian Penal Code, Sections 25(1-b)a, 26 and 35 of Arms Act and Sections 20, 22 of N.D.P.S. Act.

The allegation is regarding unknown miscreants



having assembled at the place of occurrence to commit theft in some shops, whereafter police got information about the same and reached at the spot. It is further alleged that 06 miscreants were nabbed including the petitioners herein and countrymade pistol, live cartridges, *charas* etc. were recovered from the person of Kailash Sahni @ Kashiya, however as far as the petitioners are concerned, no recovery was effected from their person.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 23.02.2021. The learned counsel for the petitioners has further submitted that the petitioners are young boys studying in Class-X and they have no complicity in the alleged occurrence, as is apparent from the F.I.R., inasmuch as no illicit articles/ arms/ narcotics substances have been recovered from the petitioners herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that no illicit arms/ narcotics substances/ illicit articles have been recovered from the petitioners, apart from the fact that they are having a clean antecedent and are languishing in custody since a long time, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Special Judge (I/C), Muzaffarpur in connection with Kanti PS case no. 131 of 2021.

(Mohit Kumar Shah, J)

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