

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29341 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- SARE District- Nalanda

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SUNNY KUMAR @ SUNNY YADAV SON OF RANDHIT YADAV R/O
VILLAGE- NAYA TOLA JURABGANJ, P.S.- KODHA, DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28570 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- SARE District- Nalanda

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ANAND KUMAR @ ANAND YADAV SON OF DIPU YADAV RESIDENT
OF VILLAGE- NAYA TOLA JURABGANJ, P.S.- KODHA, DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29341 of 2022)

For the Petitioner/s : Mr.Anup Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 28570 of 2022)

For the Petitioner/s : Mr.Anup Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
corrections in the main application, has been filed on behalf of
the petitioner, which forms part of this application.

The petitioners seek bail in a case registered for the



offence under Sections 399, 402, 411 and 120(B) of the Indian Penal Code and Section 25(1-B)A, 26 and 35 of the Arms Act.

According to the prosecution, altogether four persons were apprehended by the police on whose possession, two motorcycles without papers and two country made pistols along with two cartridges have recovered. They are said to be preparing for committing dacoity.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of suspicion. He further submits that it appears from the F.I.R. and the seizure list, one motorcycle without papers along with one live cartridge have been recovered from the possession of petitioner, Anand Kumar whereas one motorcycle without papers and one live cartridge have recovered from the possession of petitioner, Sunny Kumar @ Sunny Yadav. He further submits that as a matter of fact, nothing has been recovered from the conscious possession of the petitioners rather they have no concern at all with the alleged motorcycles and the live cartridges. The motorcycles in question were standing near the temple and on the basis of suspicion, these petitioners have been apprehended by the police. He further submits that there is no compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners and they are rotting in judicial



custody since 02.07.2021.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry nine more cases other than the present one.

Learned counsel for the petitioners submits that petitioner, namely, Sunny Kumar @ Sunny Yadav is all along on bail in all nine cases whereas the petitioner, namely, Anand Kumar @ Anand Yadav is also on bail in all cases except one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Sare P.S. Case No. 80 of 2021 with 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 and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any



stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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