

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33891 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BEERPUR District- Begusarai

Abhinandan Kumar @ Raja Son Of Anil Kumar @ Anil Singh Resident of
Village- Dih (DIHPUR), P.S.- Birpur, District- Begusarai. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 33926 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BEERPUR District- Begusarai

Abhinav Kumar @ Photo Son Of Naveen Singh Resident Of Village- Dih,
P.S.- Birpur, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33891 of 2022)

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman,APP

(In CRIMINAL MISCELLANEOUS No. 33926 of 2022)

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.A.G,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard Mr. Sandip Kumar Gautam, learned counsel

for the petitioner who appears in Cr. Misc. No. 33891 of 2022

(Abhinandan Kumar @ Raja), Mr.Md. Ataur Rahman, learned

APP for the State and Mr. Subhesh Pandey, learned counsel for

the petitioner who appears in Cr. Misc. No. 33926 of 2022

(Abhinav Kumar @ Photo) as also Mr. Bharat Bhushan who

represents the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the

office, be removed within four weeks.



The case is registered under Sections 25 (1-b),a, 26, 35 of the Arms Act, in connection with Birpur P.S. Case No. 39 of 2022.

As per the FIR, it is alleged that the police proceeded on a night patrolling duty and conducted raid whereafter it arrested two accused persons Abhinandan Kumar @ Raja and Abhinav Kumar @ Photo on the basis of earlier confessional statement made by Avinash Kumar. The further allegation is that from accused Abhinandan Kumar @ Raja although nothing was recovered, so far as Abhinav Kumar @ Photo is concerned, it is alleged that a country made pistol with four live cartridges were recovered/seized.

Learned counsels for the petitioners submit that both of them are in custody since 22.4.2022 and as such suffered a lot and deserve bail.

Per contra, learned APP opposes the bail submitting that both the petitioners have criminal antecedents.

Be that as it may, since both the petitioners are in custody since 22.4.2022, charge-sheet stands submitted and ultimately they have to face the trial, this Court is inclined to grant them the privilege of bail 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 learned Judicial Magistrate -Ist Class, Begusarai, in connection with Birpur P.S. Case No. 39 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their 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 cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every month for one year to mark their presence.

With the aforesaid observations, the bail applications are allowed.

(Rajiv Roy, J)

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