

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33657 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- SOHSARAI District- Nalanda

SONU KUMAR Son of Late Umesh Prasad Resident of Village - Saidi, P.S.-
Noorsarai, District – Nalanda Petitioner

Versus

The State of Bihar Opposite Party

with

CRIMINAL MISCELLANEOUS No. 34502 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- SOHSARAI District- Nalanda

RAJESH KUMAR YADAV Son of Nagina Devi Resident of village- saidi,
P.S. Noorsarai, District- Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

(In Criminal Miscellaneous No. 33657 of 2022)

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

(In Criminal Miscellaneous No. 34502 of 2022)

For the Petitioner/s : Mr.Rana Baljit Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

The case is registered under sections 399, 402, 412
of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the
Arms Act, in connection with Sohsarai P.S. Case No. 59 of
2022.

The prosecution story, in brief, is that the
informant received confidential information that 7-8 persons



have assembled in suspicious condition at N.H.-20 in a Tempo. He alongwith the police force accordingly proceeded to the place and apprehended six persons but two of them managed to flee away. The arrested persons disclosed their names as Rajesh Kumar Yadav, Dipu Kumar @ Bahra, Rahul Kumar @ Golden, Budhan Yadav, Sikantu Kumar and Sonu Kumar. Upon search, a loaded country made pistol with live cartridges and mobile phones of different brands were recovered/seized from them.

So far as the petitioner Sonu Kumar is concerned, it is submitted that he is in custody since 23.2.2022 (as stated in para-12 of the bail application and have two criminal antecedents whereas so far as the petitioner Rajesh Kumar Yadav is concerned, he too is in custody since 23.2.2022 and has no criminal antecedent.

Taking into account the aforesaid facts that there is recovery of one country made pistol and the mobile phone from both the petitioners, they are in custody since 23.2.2022 and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of A.C.J.M.-IV, Nalanda



at Biharsharif, in connection with Sohsarai P.S. Case No. 59 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 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 cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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