

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44157 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. ARVIND KUMAR Son of Vipin Kumar Resident of Village- Madhopur Hazari, P.S.- Sahebganj, District- Muzaffarpur.
2. Arun Kumar Son of Rajendra Rai Resident of Village- Madhopur Hazari, P.S.- Sahebganj, District- Muzaffarpur.
3. Ranjit Kumar Son of Surendra Rai Resident of Village- Madhopur Hazari, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 02.05.2021, seek regular bail in connection with Sahebganj P.S. Case No. 198 of 2021 for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on complaint received by SHO, Sahebganj Police Station about assembling of



some miscreants with an intention to commit crime, a raid was conducted at Khurseda Urdu School at about 18:45 hours and five persons on two motorcycles who were trying to flee away were overpowered and in the presence of independent witnesses, country made pistol, live cartridges, mobile phones and other items were seized and accordingly seizure list was prepared.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the petitioners are young college going students and they have clean antecedent. They are in custody since 02.05.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners and submits that the petitioners were apprehended and from their possession loaded country made pistol and live cartridges were recovered and a motorcycle was also recovered from one Sonu Kumar.

Considering the aforementioned facts and circumstances of the case, the petitioners have clean antecedent and taking into consideration their academic career as well as period of custody undergone by the petitioners and only one cartridge were recovered from possession of all the petitioners,



the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Muzaffarpur in connection with Sahebganj P.S. Case No. 198 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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