

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48503 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- MARANCHI District- Patna

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1. SAMRAT BIND S/o- BAUDHI BIND Resident of Village- Dih Bind Toli Malhipur, P.S.- Chakiya, O.P. District- Begusarai.
 2. Nawal Rai Son of Late Ram Sewak Rai Resident of Village- Rachiyahi, Naya Tola, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26,35 and 27 of the Arms Act.

One loaded country made pistol and 12 live cartridges were recovered from possession of petitioner No.1 and five live cartridges were recovered from possession of petitioner No.2.



Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one loaded country made pistol and 12 live cartridges have been recovered from possession of petitioner No.1 and five live cartridges have been recovered from possession of petitioner No.2. He further submits that there is no independent witness except the aforesaid arms and ammunition nothing has been recovered from the possession of the petitioners and the petitioners are in custody since 17.12.2020.

Vide order dated 20.12.2021 a report was called for with regard to the stage of trial. Report reveals that the charge has been framed on 10.01.2022 and till date no witness has been examined and the case is pending for prosecution evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 S.Tr.No.264 of 2021 arising out of Maranchi Police Station Case No.164 of 2020, 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 bonds shall be cancelled 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 antecedents, 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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