

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41409 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- PATEPUR District- Vaishali

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1. Sanni Nat Son Of Late Chhuna Nat R/O Chitkohra Pool Ke Niche, P.S.- Sachivalay, District- Patna
 2. Soljar Nat Son Of Sri Raj Kumar Khalifa R/O Chitkohra Pool Ke Niche, P.S.- Sachivalay, District- Patna
 3. Rupan Nat Son Of Sri Ramjee Nat R/O Chitkohra Pool Ke Niche, P.S.- Sachivalay, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-10-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Vaishnavi Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Patepur P. S. Case No. 133 of 2022 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25 (1-b)a, 26 and



35 of the Arms Act and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police, in course of patrolling duty, intercepted a Scorpio vehicle and apprehended five persons. From the possession of each of the three petitioners one loaded country-made pistol and one live cartridge have been recovered. It is also alleged that other incriminating material has also been recovered from the possession of other accused persons.

Learned counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it would be evident that the petitioners were apprehended on 29.05.2022 at about 02:50 hours, however, the F.I.R. has been send to the jurisdictional court on 31.05.2022 and as such, the petitioners were detained in custody for more than 24 hours in complete defiance of the mandate of Section 57 of the Cr.P.C. It is also submitted that in fact, recovery has been made from the different place, however, on being apprehended by the police, the recovery have been shown from the possession of the petitioners. It is further submitted that so far the petitioner nos. 1 and 2 are concerned, they are having one criminal antecedent, whereas, the petitioner no. 3 has got no criminal antecedent. It is



last submitted that the investigation of the crime is already complete and the charge sheet has been submitted, however, the petitioners are in custody since 31.05.2022. So far the vehicle, in question, is concerned, the same belongs to the sister of the petitioner no. 1 and it is not a stolen property.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the delay in sending the F.I.R. to the jurisdictional court as also the period of incarceration, apart from the fact that the investigation of the crime is already complete and charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P. S. Case No. 133 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.



- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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