

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52075 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Kailu Paswan @ Kaila, Son of Late Bhola Paswan Resident of Village-
Rajopur, P.S.- Dandari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52082 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Jai Jai Ram Mahto Son Of Rajendra Mahto Resident Of Village- Rajopur,
Police Station- Dandari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52075 of 2021)

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 52082 of 2021)

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-04-2022 Cr. Misc. No.52075 of 2021 (Kailu Paswan @ Kaila

Vs. The State of Bihar) with Cr. Misc. No.52082 of 2021 (Jai Jai

Ram Mahto Vs. The State of Bihar) being arising out of same

case are being taken up together.

Heard learned counsel for the parties.

Both the bail applications arises out of Neema

Chandpura P.S. Case No.71 of 2020 under Sections 25(1-B),

25(I)(IA), 26(1), 26(2) / 35 of the Arms Act.



The occurrence is of 14.09.2021. On confidential information, the police party intercepted a motorcycle with three riders, nabbed them and searched in the presence of the independent witnesses and firearms were recovered from their respective possession. They failed to give any satisfactory answer to the arms that was seized from their person. It was in these circumstances that both the petitioners herein came to be taken in the judicial custody.

The counsel for the petitioners submit that the informant has wrongly alleged in the FIR that the firearms were recovered from his conscious possession. He further submits that they are in jail since 15.09.2020 and as such they may be enlarged on bail, subject to conditions imposed by this Court.

Both the APPs appearing for the two bail petitions opposes the prayer and submit that, since firearms were recovered from their conscious possession, they do not deserve bail.

Charge sheet has been submitted in the matter and both of them are in jail since 15.09.2020.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Neema Chandpura P.S. Case No.71



of 2020 to the satisfaction of learned Additional Sessions Judge, XIth, Begusarai with the following conditions:

(i) one of the bailor of both the petitioners should be their own family member who shall produce official document to show their respective bonafide;

(ii) they shall also ensure that they do not leave the district save and except with the permission of the learned Trial court;

(iii) both the petitioners shall be duty bound to appear before the learned Trial court on each and every date and failure to do so for two consecutive dates without any plausible reason will lead to cancellation of bail by the Trial court below itself;

(iv) both the petitioners shall visit the local police station every fortnight for the next six months to mark their presence.

With the aforesaid observations, both the bail applications are allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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