

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56765 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- KASBA District- Purnia

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1. Vikash Kumar @ Vikas Kumar, S/o - Randhir Ray, Resident of Village - Jafarabad Dih, P.S. - Raghobpur, Distt.- Vaishali.
 2. Mukesh Kumar, S/o- Harbansh Rai, Resident of Village - Jafarabad Dih, P.S. - Raghobpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 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 learned counsel for the petitioners and learned APP for State.

The petitioners seek regular bail, who are in custody in connection with Kasba P.S. Case No.89 of 2021 for the offences punishable under Sections 399, 402 of the Indian Penal Code, Sections 25(1-b) a, 26 and 35 of the Arms Act and Section 51 of the Disaster Management Act.

The prosecution case is that on secret information, the police intercepted one Tata Tiago vehicle and from the said



vehicle five persons were apprehended. On search one pistol containing nine cartridges in the magazine have been recovered from the possession of co-accused Ankit Kumar.

It is submitted on behalf of learned counsel for the petitioners that from the possessions of these two petitioners only two mobiles have been recovered.

A supplementary affidavit has been filed on behalf of the petitioners and submits that the petitioner no.1 has got one criminal antecedent and so far as petitioner no.2 is concerned he has got two criminal antecedents. However, both the petitioners are on bail in those cases. It is further submitted that search has been made in presence of two Chaukidars without any independent witnesses and is in violation of Section 100 of the Cr.P.C. Learned counsel for the petitioners submits that both the petitioners are in custody since 13.05.2021 and the investigation has already been concluded and charge sheet has been submitted.

On the other hand learned APP for the State has submitted that the petitioners were apprehended in the vehicle from which arms and ammunitions have been recovered from the possession of co-accused.

Having heard the learned counsel for the petitioners



and the State and considering the fact that no incriminating article has been recovered from the possession of these petitioners and they are in custody since 13.05.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No.89 of 2021 subject to the condition that one the bailors will be the close relatives 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.

(Harish Kumar, J)

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