

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47606 of 2022

Arising Out of PS. Case No.-445 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. VISHNU RAI S/O HIRA RAI Resident of village- Diharma, P.S.- Sonhan, District- Kaimur (Bhabua).
2. TAPASH RAI S/O SHYAM NARAYAN RAI Resident of village- Diharma, P.S.- Sonhan, District- Kaimur (Bhabua).
3. SUNIL RAI S/O DAMODAR RAI Resident of village- Diharma, P.S.- Sonhan, District- Kaimur (Bhabua).
4. RISHABH RAI S/O SHYA NARAYAN RAI Resident of village- Diharma, P.S.- Sonhan, District- Kaimur (Bhabua).
5. LAL MOHAN RAI S/O LATE RAMESHWAR RAI Resident of village- Diharma, P.S.- Sonhan, District- Kaimur (Bhabua).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks from today.

Heard learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners in this case are seeking regular bail in connection with Bhabua P.S. Case No. 445 of 2022 registered for the offences punishable under Sections 147, 148, 149, 160, 323, 307 of the Indian Penal Code and Section 25(1-b)a, 26, 35 and 27 of the Arms Act. They are in custody since 13.07.2022.



petitioner nos. 1 and 2 have no criminal antecedent. Petitioner nos. 3 and 4 have got one criminal antecedent and petitioner no. 5 have three criminal antecedents as per paragraph '3' of the application.

As per the prosecution story, the informant received information that firing took place between two parties due to land dispute. On this information, the informant along with other police officials reached there and on seeing the police party, accused persons armed with weapons started fleeing away but on chase three persons from one side got apprehended namely Sunil Rai, Dhiraj Rai and Surendra Rai and six persons from another side got apprehended namely Sunil Rai, Vishnu Rai, Rishabh Rai, Lal Mohan Rai, Tapash Rai and Vindhyachali Devi. It is further alleged that on search one country-made pistol has been recovered from the house of the Vindhyachali Devi and one carbine, one katta, one country-made rifle and nine cartridges were recovered from agricultural field behind the house of Ravi Rai.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are in custody since 13.07.2022. It is further submitted that there is recovery from



conscious possession of the petitioners.

Mr. Ram Priya Sharan Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the alleged recovery is said to have been made from the house of one Vindhyachali Devi and from the agricultural field behind the house of Ravi Rai, there being no specific allegation against these petitioners and they are in custody since 13.07.2022, there is no submission on behalf of the State that the release of the petitioners is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 445 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 antecedent, the court below shall take steps 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.

The application is allowed.

Certified copy of this order shall be made available after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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