

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51148 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- GHOSWARI District- Patna

-
1. PINTU KUMAR S/o Late Naval Prasad R/o village- Chero, P.S.- Sarmera, District- Nalanda
 2. Manish Kumar S/o Rajesh Vishwakarma R/o village- Chiksaura, P.S.- Chiksaura Bazar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video conference.

Heard learned counsel for the petitioners and learned A.P.P for the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The petitioners seek bail in connection with a case registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of Arms Act.

The prosecution's case, in short, is that on getting information, the informant along with other police personnel reached Nakta Pool and caught three persons including both



petitioners and on search, one countrymade pistol, four live cartridges, 14 pieces iron trigger and other articles were recovered from their possession.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. From perusal of the seizure list, it appears that nothing has been recovered from the conscious possession of the petitioners. It is also stated that the place of occurrence from where, the seized arms and other articles were recovered in an open area, which can be accessed anyone and the police merely to solve the case, have arrested as they could not able to arrest the real culprit of this case. Further, it is submitted that there is no eye-witness of the alleged recovery except the police personnel. Petitioners are in custody since 30.04.2022, charge-sheet has been submitted in this case and they are having clean antecedent.

Learned A.P.P for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only each with two sureties of the like amount each to the satisfaction



of the learned learned J.M. 1st Class, Barh in connection with Ghoswari P.S. Case No. 71 of 2022, subject to 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

