

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62339 of 2021**

Arising Out of PS. Case No.-133 Year-2021 Thana- DURAULI District- Siwan

1. AJIT KUMAR Son of Sri Dhiran Ram Resident of Village- Baraipatti, Kilpur, P.S.- Nautan, District- Siwan (Bihar).
2. Abhishek Kumar Son of Sri Virendra Ram Resident of Village- Baraipatti, Kilpur, P.S.- Nautan, District- Siwan (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Gupta, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-03-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of two country made pistol along two live cartridges from the possession of the petitioner and the co-accused.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. as well as



seizure list that one country made pistol has been recovered from the possession of petitioner No.2 and one bullet has been recovered from the possession of petitioner No.1 but no offence is alleged to have been committed by the petitioners. He further submits that the co-accused, Sachin Kumar @ Abhiraj Ranjan @ Sachin @ Abhiraj having more or less similar allegation has already been granted bail by this Court vide order dated 28.01.2022 passed in Cr. Misc. No.56624 of 2021. The petitioner is rotting in judicial custody since 01.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Durauli P.S. Case No. 133 of 2021 with 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 shall remain physically present as directed by the



Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

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 step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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