

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65378 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- DARPA District- East Champaran

1. PRADEEP KUMAR S/o- Yogendra Yadav
2. Dilip Kumar S/o- Nagendra Yadav @ Nagendra Ray
Both are Resident of Village- Bathuahiya, P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in a case registered for the offences punishable 399,402,413,414 of IPC and under Sections 25(1-B)a,26,35 of the Arms Act.

As per allegation, from possession of petitioner No.2 one country made pistol and two live cartridges of 315 bore and from the possession of petitioner No.1, two live cartridges were recovered. One Splendor motorcycle having Nepali registration



number was also recovered from their possession and on demand, they failed to produce any paper with respect to said motorcycle.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that from possession of petitioner No.2, one country made pistol and a live cartridge of 315 bore and from the possession of petitioner No.1, two live cartridges were recovered. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 23.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 the learned court below where the case is pending in connection with Darpa Police Station Case No.97 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 bonds shall be cancelled 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 antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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