

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 55420 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

1. AJAY KUMAR S/o Ravindra Thakur @ Ravindra Sharm R/V- Mangalpur Hussaini, P.S.- Dumariyaghat, Distt- East Champaran.
2. ARVIND KUMAR S/o Baldev Rai R/V- Ramagya Tola Benipur, P.S.- Kesariya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Abhishek Kumar, Advocate

For the Opposite Party/s : Mr Arun Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioners seek bail in Sahebganj Police Station (for brevity, **PS**) Case No 339 of 2022 dated 23.07.2022 registered for the offence punishable under Sections 25 (1-b) a, 26, 35 of Arms Act.

From the possession of petitioner No 1, one live cartridge and mobile phone are alleged to have been recovered whereas one country made pistol loaded with live cartridge and mobile phone were alleged to have been recovered from the possession of petitioner No 2. They have been apprehended



when their car has collided with the truck and they were fleeing away to avoid the vehicle checking.

Petitioners' counsel submits that due to a bona fide collision, the police have implicated the petitioners in this case. The vehicle in question belongs to petitioner No 1. petitioners have no antecedents and recovery of the arms and ammunition is denied by the petitioners. It is averred that the same has been planted. They have remained in custody since 23.07.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact that the petitioners have no criminal antecedents, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Muzaffarpur in Sahebganj PS Case No 339 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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