

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51547 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- BAHADURPUR District- Patna

Rishu Kumar S/O Late Deepak Prasad R/O Village- Kajibag Old Pranami Temple, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57560 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- BAHADURPUR District- Patna

Sanjiv Kumar @ Kallu Son Of Yogendra Sah R/V- Banvira, P.S- Chaklalsah, Dist- Samastipur, At Present Residing At Musalampur Hat, Sahganj Near I.C.I.C.I A T.M. P.S- Sultanganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51547 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 57560 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-11-2022 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with
Bahadurpur P.S. Case No- 225 of 2022, registered for the
offences punishable under Sections 30(a) of the Bihar



Prohibition and Excise (Amendment) Act, 2018 and Sections 25 (1-b)a, 26 and 35 of the Arms Act.

The prosecution case as emerges from the FIR is that on search, one pistol, three live cartridges and one mobile was recovered from the accused-petitioner, Sanjiv Kumar and one mobile and 360 ml of wine is recovered from the accused-petitioner, Rishu Kumar.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation against the petitioners is only on the basis of suspicion. He further submits that 360 ml of liquor has been recovered from the possession of accused-petitioner, Rishu Kumar and he is in custody since 16.07.2022. He further submits that no arms have been recovered from the conscious possession of the petitioner, Sanjiv Kumar and even the motorcycle, which has been recovered, does not belong to the petitioner and he is in custody since 16.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner have never moved before this Court for



grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Special Judge Excise, Patna City in connection with Bahadurpur P.S. Case No- 225 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.



(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

chandan/-

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

