

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70093 of 2021

Arising Out of PS. Case No.-204 Year-2021 Thana- AMAS District- Gaya

1. Niraj Kumar S/o Kamalesh Paswan R/o Village- Mahapur, P.S.- Amas, District- Gaya
2. Arbind Bhiyan S/o Umesh Bhuiyan R/o Village- Mahapur, P.S.- Amas, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard Mr. Ashok Kumar Singh, the leaned counsel

for the petitioners and Mr. Bharat Bhushan, the learned APP for

the State.

Both the petitioners are in judicial custody in
connection with Amas P.S. Case No. 204 of 2021 instituted
under sections 25(1-b)a/26/35 of the Arms Act.

As per the FIR, the police received secret information
and accordingly reached the place and intercepted a motorcycle
with two persons riding on it. As they tried to escape, the police
chased and apprehended both of them, the petitioners herein.
Upon search, it is alleged that a country made pistol, one
cartridge as also mobile phone was recovered/seized from the



petitioner no.1 whereas one cartridge and mobile phone was recovered from the petitioner no.2.

The learned counsel for the petitioners submit that they have no criminal antecedent and they have falsely been implicated by the police as a result whereof, they are in jail since 5.8.2021 (as stated in para-12 of the bail application).

Considering the aforesaid facts that the petitioners are in jail since 5.8.2021, charge-sheet stands submitted and they have no criminal antecedents; this Court is inclined to grant them the privilege of bail subject to the condition that if it appears that any of them has criminal antecedent, the bail order with regard to that person shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sherghati, Gaya, in connection with Amas P.S. Case No. 204 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family member of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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