

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72224 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- PARASBIGHA District- Jehanabad

Abhishek Kumar @ Abhishekh Kumar S/o Nityanand Singh @ Nityanand Pd.
Singh R/o village- Naugarh, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71953 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- PARASBIGHA District- Jehanabad

Gautam Kumar Son of Mithalesh Paswan Resident of village - Kamalpur,
P.S.- Makhdumpur, District - Jehanabad at present village - Naugrah, P.S.-
Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72224 of 2021)

For the Petitioner/s : Mr. Paras Nath, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 71953 of 2021)

For the Petitioner/s : Mr. Paras Nath, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Parasbigha P.S. Case No. 133 of 2021, lodged under Sections

399, 414/34 of the Indian Penal Code.

As per prosecution case, the Police party was on local visit then in the mean time people were noising, upon query one Deepak Kumar has intimated that a motorcycle has come towards Nehalpur and tried to snatch the Mobile but the people at large started chasing them, then they were caught, upon query they have disclosed their name as Gautam Kumar and Abhishek Kumar. From the possession of Gautam Kumar (petitioner of Cr. Misc. No.71953 of 2021) 1 local *desi* pistol and 11 live cartridges were recovered whereas from the possession of Abhishek Kumar (petitioner of Cr. Misc. 72224 of 2021) 5 live cartridges were recovered, on the basis of which the present case has been filed.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that antecedents of petitioners are clean and they are in custody since 16.08.2021. He further submits that no offence under Section 393 and 414 of I.P.C. is made out against the petitioners, at worse offence under Section Arms Act may be made out against them but for that also they are in custody for more than one year. He further submits that charge sheet has already been submitted and petitioners are ready to fulfill all the

conditions whatsoever shall be imposed upon them.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Parasbigha P.S. Case No. 133 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond,

violation of this condition shall be resulted into cancellation of
their present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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