

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1600 of 2022

Arising Out of PS. Case No.-549 Year-2021 Thana- KANTI District- Muzaffarpur

1. AKHILESH YADAV Son of Late Singheshwar Rai Resident of Village- Harpur Baks, P.S.- Minapur, District- Muzaffarpur.
2. Md. Saddam Husain Son of Md. Reyajul Resident of Village- Milki, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioners seek bail in connection with Kanti P.S. Case No. 549 of 2021 registered for the offences punishable under Section 401 of IPC and Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, one country made loaded pistol was recovered from possession of petitioner no. 2 when he along with petitioner no. 1 and two other co-accused was apprehended by the police.



Learned counsel for the petitioners submits that petitioners are in custody since 27.08.2021 and bear no criminal antecedent. He further submits that petitioners are innocent and have committed no offence. He further submits that no such occurrence took place as alleged in the prosecution case and petitioners have falsely been implicated in the present case merely on suspicion. He further submits that petitioners have no concern with the alleged seized articles. Search and seizure has not been made according to law. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Co-accused Suraj Kumar has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 72247 of 2021.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view that petitioners have clean antecedent and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-2nd West Muzaffarpur in connection with Kanti P.S. Case No. 549 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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