

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8115 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Om Prakash Kumar @ Praduman S/o Bhuneshwar Singh R/V- Lalganj, P.S.- Sasaram (M), District- Rohtas
2. Prashant Kumar S/o Meghram Singh R/V- Lalganj, P.S.- Sasaram (M), District- Rohtas
3. Bipin Paswan S/o Jagnarayan Paswan R/V- Mishripur, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Durgawati P.S. Case No. 341 of 2022, registered for the offences punishable under Sections 25(1)(d), 25(1-B)a, 26, 29 and 35 of the Arms Act.

The prosecution case as emerges from the FIR is that a total of 2200 live cartridges have been recovered from an Alto car bearing Registration no. BR24K-7306.

Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He also submits that nothing has been recovered from the possession of the petitioners which could connect them with the alleged crime.

He further submits that the petitioners have been languishing in jail since 18.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no.1, 2 and 3 have earlier been made accused in one, three and three other cases each respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged 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



Ld. S.D.J.M. Mohania, District- Kaimur in connection with Durgawati P.S. Case No. 341 of 2022 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 get hampered 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 him 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 criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds 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, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. 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)

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