

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12551 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- ISMAILPUR District- Bhagalpur

1. Bouki Mandal @ Vaoku Mandal Son Of Boudhi Mandal R/V- Chhotti Parbatta, P.S.- Ismailpur, District- Bhagalpur
2. Giro Mandal Son Of Boudhi Narayan Mandal @ Bodh Narayan Mandal R/V- Chhotti Parbatta, P.S.- Ismailpur, District- Bhagalpur
3. Bucho Mandal Son Of Late Bhadoo Mandal R/V- Chhotti Parbatta, P.S.- Ismailpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 384, 385 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of Arms Act.

The prosecution case in nutshell is that informant, being a police official, receive information that several miscreants have been gathered to forcibly plough the field of one Rabindra Sahu. It is further submitted that three



persons including the petitioners No. 1 and 2 were apprehended. On search of Basa of co-accused Sambhu Mandal, three country made pistol and 28 live cartridges have been recovered. It is also alleged that petitioners along with other co-accused persons are indulged in demand of Extortion.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. They have no concern either with the alleged recovered country made pistols & live cartridges or with the place of seizure. The place from where incriminating articles have been recovered belongs to co-accused Sambhu Mandal. There is no independent of the alleged occurrence. It is further submitted that demand of extortion has not been executed. Nothing incriminating has been recovered from the conscious possession of the petitioners. It is also submitted that petitioners are languishing in judicial custody for more than 5 months. A statement has been made in para 3 of the petition that petitioners have no criminal



antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Ismailpur P.S. Case No. 135 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Naugachia, Bhagalpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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