

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20088 of 2023

Arising Out of PS. Case No.-541 Year-2022 Thana- KANTI District- Muzaffarpur

1. Amit Kumar S/o Suresh Sahni R/V- Hirapur, P.S.- Paroo, District- Muzaffarpur.
2. Amrendra Kumar Son of Babulal Sahni R/V- Kamalpura, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with Kanti
P.S. Case No. 541 of 2022 registered for the offence under
Sections 399, 400, 401, 402 of the Indian Penal Code and
Section 25(1-b)a, 26, 35 of Arms Act.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 11.08.2022.

5. The allegation against petitioners is to involve in
preparation for committing dacoity and while preparing so, he



found in possession of one loaded country made pistol.

6. Learned counsel appearing on behalf of the petitioners submitted that implication of petitioners with present case is only for recovery of one loaded country made pistol from them and mere on the recovery of this firearm, petitioners cannot be implicated with preparation for committing dacoity, as for such implication, a different legal ingredients are required to established to make out a *prima facie* case. It is further pointed out that seizure list witnesses are Bihar Home Guard Personnels and not independent witnesses, which makes the seizure of firearm doubtful on its face. It is submitted that seized motorcycle belongs to one co-accused, namely, Amar Sahani and is not a stolen motorcycle. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as the implication of petitioner appears with present case only for the reason that one loaded country made pistol recovered from their possession, coupled with the fact that charge-sheet has already submitted, where petitioners are in



custody since 11.08.2022, accordingly, petitioners above named, are directed to be released on bail in connection with Kanti P.S. Case No. 541 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 learned J.M. 1st, Class, (West), Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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