

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19570 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Deep Prakash, Gender-Male, Aged about 28 years, Son Of Premchand Pandit @ Premchandra Pandit Resident Of Village - Rahua (Rahuwa), Ward No. 06, P.S. - Saheb Purkamal, Distt. - Begusarai.
 2. Om Prakash Kumar, Gender-Male, Aged about 21 years, Son Of Premchand Pandit @ Premchandra Pandit Resident Of Village - Rahua (Rahuwa), Ward No. 06, P.S. - Saheb Purkamal, Distt. - Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Sahebpur Kamal P.S. Case No. 331 of 2022 dated 06.12.2022, instituted for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that the informant was directed by the SHO to search house of apprehended accused person, namely, Jai Prakash Pandit in another case. Thereafter, the informant reached at the house of the accused Jai Prakash Pandit where, two persons were trying to flee away on seeing the police personnel but on chase, both were caught. During the course of investigation, they disclosed their names as



Deep Prakash (petitioner no. 1) and Om Prakash Kumar (petitioner no. 2) and on search, one loaded countrymade pistol was recovered from the verandah of house of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. From bare perusal of F.I.R. and seizure list, it is evident that during the course of search, the seized arm was recovered from the house of the petitioners which was kept in bag and concealed under sand from the Verandah of the house of the petitioners but it is crystal clear that no arms and cartridges were seized from the conscious possession of the petitioners. It is also submitted that the arms and cartridges have been seized from ancestral house of the petitioners and in that house, other family members of the petitioners were residing at that relevant time. Lastly, it has been submitted that the petitioner is in custody since 07.12.2022, charge-sheet has been submitted in the case and the petitioners have antecedents of one case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate-IV, Begusarai in Sahebpur Kamal P.S. Case
No. 331 of 2022, subject to the following conditions:-

- (i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- (ii) One of the bailors will be thier own blood relation, preferably father, mother, brother, sister and or his wife.
- (iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- (iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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