

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19351 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- ATHMALGOLA District- Patna

1. Nawlesh Kumar, Son of Bindeshwari Singh, Resident of Village Harauli, P.S. Barh , District Patna
2. Nitish Kumar, Son of Chandradeo Paswan, Resident of Village Harauli, P.S. Barh , District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned senior counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Athamalgola P.S. Case No. 384 of 2022 registered on 31.12.2022 for the alleged offences under Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, petitioners were apprehended on suspicion during checking of vehicles and from the possession of petitioner no. 1 Nawlesh Kumar a loaded country made katta and a live cartridge and from the possession of petitioner no. 2 Nitish Kumar two live cartridges were recovered.



4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no compliance of provisions of law. The witnesses of the seizure are police personnel. The petitioners are in custody since 01.01.2023 and charge sheet has been submitted. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioners were apprehended with firearms.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the nature of recovery, period of custody of the petitioners and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Barh, District - Patna/concerned court in connection with Athamalgola P.S. Case No. 384 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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