

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23732 of 2023

Arising Out of PS. Case No.-530 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

1. Ankur Singh Son Of Ugrasen Singh Residen Of Village Yusufpur Kharba ,
P.S. Shadiyabad , District Gajipur ,UP
2. Akash Singh Son Of Ajit Kumar Singh Resident Of Village- Sarai Brindaban
, Ps- Tarwa, Distt- Azamgarh, Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Ramkrishna Nagar P.S. Case No. 530 of 2022 registered on 24.09.2022 for the alleged offences under Sections 25(1-b)a and 26 of the Arms Act.

3. As per prosecution case, one country made pistol was recovered from each of the petitioners.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the petitioners who are residents of Uttar Pradesh and has come to



visit tourist place. The recovery of pistols without any cartridge creates doubt over the credibility of the prosecution case. There is no independent witness in the seizure list and seizure list has been prepared without following the provisions of Section 100 of Cr.P.C. The petitioners are in custody since 25.09.2022 and charge-sheet has been submitted. The petitioners are having no criminal history.

5. Learned APP appearing for the State vehemently opposes the submission made on behalf of the petitioners submitting that the petitioners were apprehended with one country made pistol each.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown without any cartridge and further considering their period of custody 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 Judicial Magistrate-Ist Class, Patna/court concerned in connection with Ramkrishna Nagar P.S. Case No. 530 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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