

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34315 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Pranav Kumar Rai @ Pinku Rai S/O Manu Shankar Navdeep Chand Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai, At Present Resident Of Village-Gaytari Nagar, Purabsarai, P.S. Katwali, District-Munger
 2. Parveen Chandra Rai @ Kavi Ranjan Rai S/O Manu Shankar Navdeep Chandra Rai @ Navdeep Chandra Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai
 3. Dinkar Kumar @ Lalo Rai S/O Parveen Chandra Rai @ Kavi Ranjan Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai
 4. Niranjana Rai @ Niranjana Kumar Rai @ Bolat Rai S/O Late Rishidev Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai
 5. Raja Ram Rai S/O Late Kapileshwar Rai @ Kapidev Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai
 6. Ram Kumar S/O Sarbin Rai R/O Village-Raghunathpur, P.S.-S. Kamal, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35393 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

Rupesh Kumar son of Maharaj Yadav Village- Aahoghat Ps- S. Kamal Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34315 of 2023)

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 35393 of 2023)

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 **In Cr. Misc. No. 34315 of 2023**

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

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

The petitioners seek bail in connection with Sahebpur Kamal P.S. Case No. 319 of 2022 registered for the offence under Sections 120-B, 147, 148 and 149 of the Indian Penal Code and under Sections 25 (1-b)a, 26, 35 and 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 25.11.2022.

The allegation against the petitioners is to open fire upon the informant and others during the course of occurrence, where four pistol, one rifle and one gun alleged to be recovered from the house of the co-accused, namely, Bambam Rai.

Learned counsel appearing on behalf of the petitioners submitted that the allegation against these petitioners is appearing very much general and omnibus suggesting only part of mob. It is submitted that the alleged firearms were recovered from the possession of other co-accused Bambam Rai, where



out of said recovery one pistol of 9 mm and one rifle is against the valid license, whereas three pistols and one gun shown to be as illegal firearms. It is submitted that nothing incriminating material surfaced/recovered during the course of investigation which may connect these petitioners with present occurrence. It is also submitted that similarly situated co-accused person, namely, Ashutosh Chandra Rai@ Rupesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 19700 of 2023 vide order dated 22.05.2023. While concluding the argument, it has been 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.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged firearms not appears to be recovered from the conscious physical possession of these petitioners, where petitioners appear to be part of mob only, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 25.11.2022, accordingly, all above named petitioners are directed to be released on bail in connection with Sahebpur P.S. Case No. 319 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

In Cr. Misc. No. 35393 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Sahebpur Kamal P.S. Case No. 319 of 2022 registered for the offence under Sections 147, 148, 149 and 120-B and under Sections 25 (1-b)a, 26, 35 and 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 25.11.2022.

The allegation against the petitioner is to open fire upon the informant and others during the course of occurrence, where four pistol, one rifle and one gun alleged to be recovered from the house of the co-accused, namely, Bambam Rai.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against this petitioner is appearing very much general and omnibus suggesting only part of mob. It



is submitted that the alleged firearms were recovered from the possession of other co-accused Bambam Rai, where out of said recovery one pistol of 9 mm and one rifle is against the valid license, whereas three pistols and one gun shown to be as illegal firearms. It is submitted that nothing incriminating material surfaced/recovered during the course of investigation which may connect this petitioner with present occurrence. It is also submitted that similarly situated co-accused person, namely, Ashutosh Chandra Rai@ Rupesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 19700 of 2023 vide order dated 22.05.2023. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged firearms not appears to be recovered from the conscious physical possession of this petitioner, where petitioner appears to be part of mob only, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.11.2022, let the petitioner, above named, is



directed to be released on bail in connection with Sahebpur
Kamal P.S. Case No. 319 of 2022 on furnishing bail bond of
Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned Sub Judge VI,
A.C.J.M.-IV, Begusarai/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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