

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34967 of 2022**

Arising Out of PS. Case No.-71 Year-2022 Thana- ADAPUR District- East Champaran

1. Vijay Singh @ Vijay Son Of Jagdish Prasad R/O Village- Banarasidas, P.S.-  
Auraiya, District- Auraiya (UTTAR Pradesh)
2. Amar Singh Son Of Shivlal Singh R/O Village- Bhojpur Narayanpur, P.S.-  
Kadar Chowk, District- Badaun (UTTAR Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      20-01-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State in the virtual court  
proceeding.

Learned counsel for the petitioners is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioners seeks bail in a case registered for the  
offences punishable under Sections 399 and 402 of the Indian  
Penal Code read with Section 25(1-b)a, 26 and 35 of the Arms  
Act.

According to prosecution case, all the accused persons  
have already looted shops and all the seized articles including



one country made pistol with 17 live cartridges from the possession of petitioner no. 1 and one country made pistol and 33 live cartridges have been recovered from the possession of petitioner no. 2 are used for committing the offence.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol and 17 live cartridges have been recovered from the possession of the petitioner no. 1 and one country made pistol and total 33 live cartridges have been recovered from the possession of the petitioner no. 2. He further submits that nothing has been recovered from the possession of the petitioners, rather the police have planted the same and shown that the recovery has been made from the possession of the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioners are in custody since 28.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Adapur P.S. Case No. 71 of 2022 corresponding to G.R. No. 203 of 2022, subject to the following conditions:-

1. One of the bailor should be the father of the petitioners.

2. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of  
or in the name of verification.

**(Rajesh Kumar Verma, J)**

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