

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36340 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- KANHAULI District- Sitamarhi

1. SUBODH GUPTA Son of Rajendra Prasad Resident of village - Majorganj, P.S. - Majorganj, Distt. - Sitamarhi
2. Amod Kumar Gupta @ Amod Kumar Son of Rajendra Prasad Resident of village - Majorganj, P.S. - Majorganj, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case instituted for the offence under Section 401 of the IPC and Sections 25(1-b)A, 35 and 26 of the Arms Act.

As per prosecution case, on receiving a secret information thereafter the police personnel reached at that place. four persons apprehended including petitioners and there has been recovery of one Italian pistol from the hut.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. The petitioners have no concern



with the alleged arms, which was seized by the police. The police personnel has forcibly taken signature of these petitioners on plain paper, which might has been converted into alleged seizure list related to that recovery. No incriminating article has been recovered from the conscious possession of these petitioners. The provision of Section 100 of the Cr.P.C. has not followed in this case, while preparing the seizure list. They are languishing in judicial custody since 25.03.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sitamarhi in connection with Kanhauli P.S. Case No. 54 of 2023.

(Sunil Kumar Panwar, J)

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