

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36976 of 2023

Arising Out of PS. Case No.-575 Year-2022 Thana- TRIVENIGANJ District- Supaul

1. Dheeraj Kumar @ Dhiraj Kumar Son Of Mahesh Mehta Resident Of Village Narha Ward No 16 Ps Triveniganj District Supaul
2. Raushan Pauddar son of Mahavir Pauddar Resident of Village- Trveniganj Ward No. 18, PS- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Triveniganj P.S. Case No. 575 of 2022, registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case as emerging from the FIR is that on 18.12.2022, the SHO of Triveniganj Police Station got a secret information that some miscreants gathered in the vacant house of one Hari Naresh Yadav with an intention



to commit crime. It is further alleged that the police party conducted the raid in the house and found five accused persons. Later, on search they also recovered live cartridges, mobile and several other incriminating articles from them.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that the recovery of the alleged illegal arms has not been made as per the rules as provided under Cr. P.C. He also submits that nothing has been recovered from the conscious possession of the petitioners.

He further submit that the petitioners have been languishing in jail since 13.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in four other cases, respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Triveniganj P.S. Case No. 575 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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