

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37566 of 2023

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

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1. RAM BABU MAHARA @ RAM BABU MAHRA @ RAM BABU MAHARA CHAMAR Son of Ram Sogarath Mahara R/o village - Barahathwa -5 @ Sarlahi, P.O. - Sarlahi, P.S. - Barahathwa, Distt. - Janakpur, Anchal - Janakpur (Nepal)
 2. Shambhu Mahra @ Shambhu Mahara @ Shambhu Mahara Chamar Son of Hrit Lal Mahara @ Hit Lal Mahara R/o village - Tola Baswari Camp @ Baswariya camp @ Basbariya camp, P.O. - Sarlahi, P.S. - Barahathwa, Distt. - Janakpur, Anchal - Janakpur (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioners are in judicial custody in connection with Kanhauli P.S. Case No.54 of 2023 instituted under Sections 401 of the IPC and 25(1-b),26,35 of the Arms Act lodged on 24.03.2023 by the informant Ved Prakash Nautiyal.

As per the FIR, on secret information on 24.03.2023 at 12.00 Noon the informant who is Assistant Commandant of



SSB along with SSB lawans came at Pillar No.333/34 at village-Murahaghat and saw some persons were sitting in the hut while others were searching something in the grass and started searching the said hut and recovered one Italian pistol of 7.65 mm and on demanded, the persons, who were caught by the jawan, did not produce any papers regarding pistol. On asking, they disclosed their name as Rambabu Mahra Chamar, Shambhu Mahra, Subodh Gupta and Amod Kumar Gupta. The informant arrested these four miscreants, seized the recovered Italian pistol and produced them along with seized articles. Accordingly, the FIR.

It is the stand of the learned counsel for the petitioners that the recovery of the pistol is from a hut and nothing has been recovered from the conscious of the two petitioners herein who have been falsely implicated by the SSB Jawans as a result whereof they have remained in custody since 25.03.2023 (as stated in para-16 of the petition).

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioners as also the period of custody (25.03.2023) and also that both of them do not have criminal antecedent, this Court is inclined to grant them



privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kanhauli P.S. Case No.54 of 2023 to the satisfaction of learned Judicial Magistrate, Ist Class, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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