

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40194 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- NAUTAN District- West Champaran

1. JHUNNA KUMAR YADAV Son of Ghosh Yadav Resident of Village - Baluban, P.S.- Bisambharpur, District - Gopalganj.
2. Satan Yadav Son of Jangali Yadav Resident of Village - Baluban, P.S.- Bisambharpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Nautan P.S. Case No. 159 of 2022 for the offence registered under Sections 414 and 413 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation is regarding the police having received secret information that certain miscreants were engaged in illicit business of liquor as also some miscreants had assembled



near the bamboo orchard situated at village Shyampur Kotraha, whereafter the police force had reached there and apprehended the petitioners. As far as the petitioner no. 1 is concerned, .315 bore single shot rifle loaded with one live cartridge and a sum of Rs. 36,000/- was recovered from his possession, while upon search, 12 bore single shot rifle loaded with one live cartridge was recovered from the possession of the petitioner no. 2.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 23.03.2022. The learned counsel for the petitioner has further submitted that considering the period of incarceration of the petitioners herein, some sympathy may be shown to the petitioners for the purposes of grant of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the period of incarceration of the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named, are directed to 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 learned Judicial Magistrate-1st Class, Bettiah, West Champaran in connection with Nautan P.S. Case No. 159 of 2022.

(Mohit Kumar Shah, J)

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