

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42508 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- WARISNAGAR District- Samastipur

1. ADITYA RAJ @ CHOTU @ CHAPRIYA son of Triloki Singh Village-Shekhopur Ps- Warisanagar Dist- Samastipur
2. Ankesh Kumar Singh @ Pahadiya @ Ankesh Kumar son of Sanjay Singh Village- Shekhopur Ps- Warisanagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 2, 3, 9 and 10 of the bail petition.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

3.The petitioners seek bail in connection with Warisnagar P.S. Case No. 111 of 2023 registered for the offences punishable under Sections 399, 402 of the IPC and Section 25(1-b)A, 26 and 35 of Arms Act.

4. As per prosecution case, petitioner no. 1 and petitioner no. 2 apprehended on spot and from the possession of petitioner no. 1 Aditya Raj one empty magazine and one



country made pistol and after unloading the same three live cartridges were recovered. It is further alleged that from the possession of the petitioner no. 2 Ankesh Kumar Singh one loaded country made pistol and after unloading the same one live cartridge was recovered.

5. Learned counsel for the petitioner submits that petitioner is in custody since 08.04.2023 and both bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



JMFC, Samastipur in connection with Warisnagar P.S. Case No. 111 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

vashudha/-

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