

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 50033 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- NARHATT District- Nawada

1. RANJIT YADAV S/o Rajdeo Yadav R/o village- Murhetachak, P.S.- Sitamarhi, District- Nawada
2. VIKASH KUMAR @ VIKASH YADAV S/o Ram Ratan Prasad @ Ratan Yadav R/o village- Murhetachak, P.S.- Sitamarhi, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Man Mohan Kumar, Advocate

For the Opposite Party/s : Ms Rina Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-01-2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Narhat (Sitamarhi) Police Station (for brevity, **PS**) Case No 77 of 2021 registered for the offence punishable under Sections 25 (1-b) A/26 of Arms Act.

It is alleged that the petitioners were indiscriminately firing from the country made carbine which they have thrown in the field of petitioner No 2, when the police chased them for apprehending.

Learned counsel submits that the petitioners' arrest is based on identification by local persons, based on extraneous considerations. Even as per seizure memo, the alleged country made carbine was recovered from the field and not from the petitioners' possession. They have been dragged in this case on account of their antecedents (3 cases), as per disclosure made in paragraph 3 of the petition. They are in custody since 28.02.2022.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, seizure memo, manner of implication, their period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Nawada in Narhat (Sitamarhi) PS Case No 77 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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