

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55684 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- ISUAPUR District- Saran

=====

AMAN KUMAR SINGH NA RESIDENT OF VILLAGE- SIKTI
BHIKHAM, PS-MASHRAK, DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 56054 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- ISUAPUR District- Saran

=====

ASHUTOSH KUMAR OJHA @ VIKKI OJHA SON OF BIRENDRA OJHA
RESIDENT OF RAMPUR ATAULI, PS- ISUAPUR, DISTT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55684 of 2023)

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 56054 of 2023)

For the Petitioner/s : Mr.Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Isuapur P.S. Case No. 105 of 2023 for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code and section 25(1-b)a/26/35 of the Arms Act lodged on 16.4.2023 by the informant, Mihir Kumar.



As per the prosecution story, on confidential information, the police apprehended four persons. While two managed to escape, others were apprehended. The petitioners were amongst them.

So far as these petitioners are concerned, there is recovery/seizure of a country made pistol and live cartridges from their possession. Accordingly, the FIR.

It is the case of the petitioners that one Nayan Ojha @ Ujjawa Ojha has been granted bail in Cr. Misc. No. 45580 of 2023.

Mr. Ashok Kumar Singh, learned APP submits that there is difference between that case and the present case inasmuch as from Nayan Ojha, only a mobile was recovered while from the petitioners, country made revolver as also live cartridges have been recovered.

So far as the case of Ashutosh Kumar Ojha (56054 of 2023) is concerned, from him, there is recovery of 315 bore live cartridge and Vivo touch screen mobile.

It has been rightly pointed out by the learned APP that in case of Nayan Ojha, there is only recovery of mobile phone whereas in the present case, while from the petitioner, Aman



Kumar Singh, there is recovery of country made revolver and live cartridge, from Ashutosh Kumar Ojha there is recovery of live cartridges as also a mobile.

However, both of them had remained in custody since 17.4.2023, FIR lodged and ultimately they will be facing the trial and one co-accused Nayan Ojha has since been released on bail though his case is slightly different, this Court is inclined to extend them the privilege of bail only after framing of the charge on the ground that both of them have criminal antecedent.

Let the petitioners be released on bail after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra, in connection with Isuapur P.S. Case No. 105 of 2023 subject to the 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 the 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

