

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61799 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- CHACKMEHSI District- Samastipur

1. NIRAJ RAI @ NIRAJ KUMAR S/O VISHWANATH RAI Resident of village- Belsandi, P.S.- Chakmehasi, District- Samastipur.
2. PRAVIN SAHNI @ PRAVIN KUMAR S/O SOHAN SAHNI Resident of village- Belsandi, P.S.- Chakmehasi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Chakmehsi P.S. Case No. 24 of 2022 registered for the offence under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioners are named in the F.I.R. and is in custody since 04.06.2022.

As per the case of prosecution, the recovery of 02 pistols, one country made Katta, 24 live cartridges, 02 empty



cartridges, etc. were recovered from the house of the petitioner No.1, where, father of petitioner No.1, apprehended on spot and disclosed name of the petitioners and other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that admittedly petitioners were not apprehended on spot and no firearms as alleged was recovered from their possession. It is submitted that compliance of Section 100 (4) of the Cr.P.C., which is appears to be made compulsory for search of house, was not made in the present case. It is also submitted that after being named in the present case, both the petitioners, subsequently named in 08 cases which was lodged against unknown persons and was also involved in 02 cases, where, they have been made named accused. While concluding the argument, it is submitted that out of 10 cases, both the petitioner now are on bail in 04 – 05 cases and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as admittedly, both the petitioners were not apprehended



on spot, suggesting that recovery of alleged firearms was not made from physical possession of these petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Chakmehsi P.S. Case No. 24 of 2022, 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 A.C.J.M.-1st, Samastipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

