

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56379 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- SONEPUR District- Saran

ABHISHEK KUMAR S/O - AKHILESH RAJAK R/O - HARLOCHANPUR
SUKKI, P.S.- PATEPUR Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56659 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- SONEPUR District- Saran

SUNNY KUMAR SON OF RANJIT SAH RESIDENT OF VISHANPUR,
TEKNARI @ RENAULI, P.S. - PATEPUR, DISTRICT - VAISHALI Petitioner/s

Versus

THE STATE OF BIHAR Opposite
Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56379 of 2023)

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 56659 of 2023)

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Sonepur P.S. Case No. 291 of 2023 for the offence punishable under Sections 399, 402, 120(B)/34 of the Indian Penal Code and 25(1-b)a/26(ii)/35 of the Arms Act lodged on 25.4.2023 by the informant, Santosh Kumar Singh.

As per the prosecution story, on secret information that accused persons have assembled to commit crime, the police reached and succeeded in apprehending three accused



persons, So far as this petitioner who is another Abhisekh Sharma, son of Akhilesh Rajak(not Abhisekh Kumar son of Bhagwan Das) there is recovery only live cartridge and mobile whereas from the Sunny Kumar (Cr. Misc. No. 56659 of 2023) the allegation is recovery of loaded country made revolver and live cartridge.

It is the case of the petitioners that they have been falsely implicated in this case, 22-23 years of age respectively, they have suffered by being in custody since 26.4.2023.

Learned APP on the other hand submits that on being apprehended, there is/are recovery from their respective possession.

Taking into account the submission put forward by the rival parties, both are young boys, having no criminal antecedent and have remained in custody since 26.4.2023, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur P.S. Case No. 291 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)

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