

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57239 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- KHUTAUNA District- Madhubani

1. Gopesh Kumar @ Gopesh Goit, male aged about 26 years, Son Of Dharmendra Goit R/O Village- Parsahi, P.S.- Khutauna, District- Madhubani
2. Govind Kumar Goit @ Govind Goit, male, aged about 27 years, Son Of Anil Goit R/O Village- Parsahi, P.S.- Khutauna, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Khutauna PS Case No. 49 of 2022, corresponding to GR No. 494 of 2022, registered for the offence punishable under Sections 25(1-b)a/26,27 and 35 of the Arms Act.

On a secret information regarding assembly of certain anti-social elements the police has arrived at the place for verification and the petitioners have allegedly been arrested from that place. From the shop of petitioner No.1 there is alleged recovery of one live cartridge, and a country made pistol from the shop of petitioner No.2.

It is submitted that on suspicion petitioners have been implicated. The recovery is not from the conscious possession and, in fact, it has been planted. The petitioners are in custody since 16 /07/2022. One out of the two antecedents, one is in connection with same PS arising out of the same occurrence, on the same date and other antecedents is under the Bihar prohibition and Excise Act.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of accusations and petitioners' 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 of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Jhanjharpur, in connection with Khutauna PS Case No. 49 of 2022, corresponding to GR No. 494 of 2022, 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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