

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61937 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARURAJ District- Muzaffarpur

SALIM HUSSAIN @ JAKIR @ SONU S/O Raju Mian @ Riyazuddin R/O
Village- Chhap, P.S- Paroo, District- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64607 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARURAJ District- Muzaffarpur

VIKASH KUMAR Son of Sankar Sahani @ Shankar Sahni Resident of
Village- Dharphari @ Dharfari, Ward No.-14, P.S.- Deoriya, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61937 of 2022)

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh

(In CRIMINAL MISCELLANEOUS No. 64607 of 2022)

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 16-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Baruraj
P.S. Case No. 14 of 2022, registered for the offences
punishable under Sections 397, 398, 400, 414, 353, 307,



120(B) and 34 of I.P.C and Sections 25(1-b)a, 26, 27, 35
Arms Act.

The prosecution case as emerges from the FIR is that on 23.01.2022 informant has got information that some criminals wanted to commit dacoity at Baruraj and nearby area of Motipur, Sahebganj and Kathaiya. After sometime, an information was received that one suspicious bolero and two motorcycles were moving around near Petrol Pump and TVS agency at Sahmalwa Chowk. The police team reached at the place of occurrence. Seeing police, the accused persons started fleeing away and started firing. The police team warned them to stop firing but they did not. Thereafter, firing took place from both sides and in this encounter, four criminals were injured. All the eight criminals were apprehended and arms and ammunitions and ten empty cartridges, one Bolero and one Glamor Motorcycle were recovered from the place of occurrence.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that search and seizure has not



been made as per the procedure as prescribed under Cr. P.C. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that other co-accused, namely, Manjay Kumar has already been enlarged on bail by a coordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 33352 of 2022.

He further submits that the petitioners have been languishing in jail since 24.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in three other cases one other case, respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail



bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate-1st class, Muzaffarpur (west) in connection with Baruraj P.S. Case No. 14 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail



bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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