

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66500 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- SAKRA District- Muzaffarpur

1. Ashok Kumar, Son of Ram Prasad Mahto, R/V- Gannipur Bejha, P.S- Sakra, Dist- Muzaffarpur.
2. Munna Kumar @ Munna Kumar Mahto, Son of Ram Gulam Mahato, R/V- Gannipur Bejha, P.S- Sakra, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pradhan Murli Manohar Prasad, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Sakra P.S. Case No. 357 of 2022 registered for the offences punishable under Sections 399, 402, 411, 412 of the Indian Penal Code and Sections 25(1-B) a, 26 / 35 of the Arms Act.

It is alleged that the police on a secret information



conducted raid and apprehended nine persons, including the petitioners. It is further alleged that two accused persons succeeded in fleeing away, however, on search, various incriminating materials, including arms and ammunition have been recovered from the possession of the accused persons.

Learned counsel appearing on behalf of the petitioners by drawing the attention to the seizure list submits that from the seizure list, it appears that only two mobiles have been recovered from the respective petitioners. He further submits that the name of the petitioners has implicated in this case only on account of their past criminal antecedent, as both the petitioners have been found involved in two other criminal cases, wherein, they are on bail. He next submits that save and except the recovery of mobile, there is no allegation that any incriminating material has been recovered from their possession and, moreover, both the petitioners are in custody since 12.07.2022 and the charge-sheet has been submitted and, as such, there is no question of tampering of evidence or intimidating the witnesses.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners are habitual offenders.



Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the period of custody and the fact that the investigation is already complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – XII, East Muzaffarpur in connection with Sakra P.S. Case No. 357 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found



that the petitioners has concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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