

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66599 of 2022**

Arising Out of PS. Case No.-102 Year-2022 Thana- DHANSOI District- Buxar

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1. Santosh Kumar @ Badak, son of Mahendra Singh
2. Bipin Kumar, son of Sanjay Singh
Both are resident of village-Lalachak, P.S.-Dhansoi, District-Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-02-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor for the

State.

The petitioners seek bail in connection with Dhansoi
P.S. Case No.102 of 2022 registered for the offences punishable
under Sections 379, 414 of the Indian Penal Code, sections
25(1-B)a, 26 and 35 of the Arms Act.

The accused/petitioners are named in the FIR and are
in custody since 14.07.2022.

The allegation against the petitioners is to have in
possession of stolen motorcycle and also have one country-
made pistol.

It is submitted by the learned counsel for the



petitioners that admittedly the alleged firearm was recovered from dickey of Bullet motorcycle standing near to petitioners, which is not connected in any manner with the petitioners and, as such, it is safely gathered that alleged recovery of firearm was not made from conscious physical possession of the petitioners. It is also pointed out by the learned counsel for the petitioners that the seizure list witness is a police constable and, as such, it can be said that the entire seizure is doubtful in want of independent witnesses. While concluding argument, it is submitted that petitioners were found involved in one more criminal case, where they are on bail and moreover, investigation of the case has been completed for which charge-sheet has already been submitted, and, as such, there is no chance of tempering with the evidence.

Learned Additional Public Prosecutor appearing for the State opposes the prayer for grant of bail to the petitioners.

In view of the facts and circumstances of the case, as the alleged stolen motorcycle along with firearm were not appears to be recovered from conscious physical possession of the petitioners, let the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Dhansoi P.S. Case No.102 of 2022 subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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