

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64745 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- BIRAUL District- Darbhanga

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GANGA RAM MUKHIYA Son of Late Mannelal Mukhiya Resident of
Village- Sisauna, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 67924 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- BIRAUL District- Darbhanga

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MD. RAHMAT @ SONU RAJA @ SUMO Son of Md. Ayub R/v- Sihma,
P.S.- Khodawandpur (O.P. Chhaurahi), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64745 of 2022)

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 67924 of 2022)

For the Petitioner/s : Mr. Md. Hussamuddin Azad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 399, 402, 400 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, a loaded country made



pistol and two mobile phones have been recovered from the possession of petitioner no.2 namely, Md. Rahmat @ Sonu Raja @ Sumo. The petitioner no.1 also alleged to have been involved in the commission of loot pat.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R., it transpires that the name of the petitioners have been added in the fardbeyan in a very small words. He further submits that the so called recovery has been made in other case bearing Biraul P.S. Case No.122 of 2022. Learned counsel for the petitioners further submits that the land of the petitioners was acquired by the Government and the said amount is being received from the Government. He further submits that it appears from the seizure list that no incriminating article has been recovered from the possession of the petitioner no.1. So, no case is made out under the Arms Act against the petitioner no.1 (Ganga Ram Mukhiya). So far as petitioner no.2 is concerned, one loaded country made pistol and one live cartridge have been recovered from his possession (Md. Rahmat @ Sonu Raja @ Sumo). Learned counsel further submits that the police after investigation submitted the charge sheet against



the petitioners and the petitioners are in custody since 16.05.2022.

The learned Additional Public Prosecutor for the State on the other hand, vehemently opposed the prayer of bail of the petitioners submitting that the petitioner no.1, carries four antecedents other than the present one and the petitioner no.2 carries two antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 court below, where the case is pending, in connection with S.Tr. No.363/2022, arising out of Biraul P.S. Case No.165/2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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