

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67101 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Md. Shakil Son of Md. Sabir Resident of Sukarna, Ward No.-11, P.S.-
Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71092 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Naresh Chandra Goldar @ Harsha Son of Navin Chandra Goldar @ Navin
Goldar R/o Sukarna Padampur, P.S.- Kochadhaman, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67101 of 2022)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 71092 of 2022)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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.

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.

Petitioners seek bail in a case registered for the



offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

According to prosecution case, during raid several articles including 8 live cartridges and one automatic pistol have been recovered from the possession of the petitioners. It is further alleged that one motorcycle was also recovered from the campus of the house of the Naresh Chandra Goldar @ Harsa.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that the petitioner no. 2 namely, Naresh Chandra Goldar @ Harsa has clean antecedent and petitioner no. 1 namely, Md. Shakil carries three criminal antecedents other than the present one. He further submits that it appears from the F.I.R. as well as seizure list that 3 live cartridges have been recovered from Md. Shakil and 1 loaded automatic pistol and 5 live cartridges have been recovered from Naresh Chandra Goldar @ Harsa. He further submits that apart from the aforesaid articles, some mobile phones and one motorcycle have also been recovered from the possession of the petitioners. He further submits that the motorcycle belongs to the petitioner, namely, Naresh Chandra Goldar @ Harsa. He further submits that the police after investigation submitted the charge sheet



against the petitioners. The petitioners are in custody since 14.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 Kochadhaman P.S. Case No. 231 of 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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