

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62591 of 2022

Arising Out of PS. Case No.-471 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Brajesh Singh Son of Late Purushottam Singh, R/o Village- Basant Vihar,
Newalal Chowk, P.S.- K.Hat (MARANGA), Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67737 of 2022

Arising Out of PS. Case No.-471 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Gagan Choudhary Son of Nityanand Choudhary @ Gungun Choudhary,
Resident of Shanti Niketan Hata, Tatmatoli, Ward No.-24, P.S.- K. Hat
(Sahayak), District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62591 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
: Mr. Md. Javed Akhtar Khan, Adv.
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

(In CRIMINAL MISCELLANEOUS No. 67737 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
: Mr. Dr. Bidhu Ranjan, Adv.
: Mr. Arvind Kumar, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned Sr. Counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek regular bail in connection with



K.Hat (Maranga) P.S. Case No. 471 of 2022, lodged under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it has been stated that during investigation of K.Hat (Maranga) P.S. Case No. 317 of 2022 the accused Gagan Choudhary (petitioner) has made a confessional statement about arms that he has obtained arms from Guddu Yadav and on the basis of confessional statement of petitioners, a raid was made at the mango orchard of Guddu Yadav and from the room situated in the said mango orchard the arms were recovered.

Learned Sr. Counsel for the petitioners submits that admittedly under Arms Act recovery from conscious possession is required, here from the contents of F.I.R., it transpires that the recovery of arms has not been made from the conscious possession rather it was kept in a room situated in mango orchard of Guddu Yadav and said Guddu Yadav has not been made accused in the present case. He further submits that petitioner of Cr. Misc. No. 62591 of 2022 have 4 criminal cases pending against him, in which, he is on bail in 3 cases and in rest 1 cases he is persuading for bail and he is in custody since 14.05.2022. Petitioner of Cr. Misc. No. 67737 of 2022 have 6 criminal cases pending against him, in which, he is on bail in 4



cases and in rest 2 cases he is persuading for bail and he is in custody since 23.06.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with K.Hat (Maranga) P.S. Case No. 471 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such



criminal activity during the continuance of present bail bond,
violation of this condition shall be resulted into cancellation of
their present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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