

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67608 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

Satyendra Kumar @ Satendra Kumar @ Satyendra Yadav S/O Jagdev Yadav
@ Jagdev Prasad Yadav R/O Village- Pansala, P.S- Maffasil, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6121 of 2023

Arising Out of PS. Case No.-160 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

Krishna Kumar Son of Dukhi Yadav R/o vill.- Pansalla Simri Tola, P.S.-
Muffasil, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67608 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. Shyam Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 6121 of 2023)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

Mr. Amresh Kumar Sinha

Mr. Saroj Kumar Choudhary

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 04-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Muffasil
P. S. Case No. 160 of 2021, registered for the offences
punishable under Sections 25(1-(a)(1-b) of the Arms Act,



1959 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as emerges from the F.I.R. is that the informant received information that in village Pnasala Simri Tola due to land dispute, there is a fight between two groups. It is further alleged that petitioners and their associates were involved in the fight. When police conducted raid in the house of the petitioners one country-made rifle, one cartridge and 750 ml. of illicit liquor were recovered.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that this case has been filed on account of recovery of illegal arms and there is separate F.I.R. lodged for commission of offence under different Sections of the Indian Penal Code and this case is confined only to the alleged offence in regard to recovery of illegal arms and wine and that arms and wine have not been recovered from the conscious possession of the petitioners but from the house containing husk. He further submits that



investigation in this case is complete and charge-sheet has already been submitted. He further submits that one of the co-accused person, namely, Shashi Kumar has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 02.12.2022, passed in Cr. Misc. No. 62198 of 2022.

He further submits that the petitioners have been languishing in jail since 20.09.2022.

It has also been stated in paragraph no. 3 of the bail petitions that the petitioners have earlier been made accused in one and two cases, respectively.

It is also stated in paragraph no. 2 of the bail petitions that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two



sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Nawada, in connection with Muffasil P. S. Case No. 160 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting



satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeats offence of similar nature after enlargement on bail, their bail-bonds will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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