

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67612 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- BAGENGOLA District- Buxar

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1. Bittu Paswan @ Manjhila @ Manjhil Son Of Dadan Paswan Resident Of Village- Nandan, P.S.- Dumraon, District- Buxar.
 2. Harichandra Kumar @ Harichandra Son Of Kamlesh Yadav Resident Of Village- Nandan, P.S.- Dumraon, District- Buxar.

... .. petitioners /s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the petitioners /s : Mr. Arun Kumar Gupta, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-02-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Bagengola P.S. Case No. 89 of 2022 lodged under Sections 399, 400, 401, 402 of the I.P.C. and 25(1-b)a, 26, 35 of Arms Act.

As per the prosecution case, the recovery of one country-made pistol and one live cartridge have been made from the possession of the petitioner no. 1 and one country-made pistol and two live cartridges have been made from the possession of petitioner no 2.

Learned counsel for the petitioners submits that there

are 3 criminal cases pending against petitioner no. 1 and two criminal cases are pending against petitioner no. 2 and in all those cases, they are on bail. It has been alleged in the F.I.R. that upon secret information, that 6-7 criminals were seating near Bhadwar canal, the police party raided there and upon raid 5 accused persons were caught red-handed, including the petitioners and armed with *desi katta* and live cartridges. It has also been mentioned that one black-red pulser was also recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that antecedent of the petitioners are not clean, petitioner no. 1 is having 3 criminal case pending against him and petitioner no. 2 is having 2 criminal case pending against him.

Learned counsel for the State opposes the prayer for bail and submits that as per the F.I.R., they all were planning for *loot-paat*(robbery).

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) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Bagengola P.S. Case No. 89 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 his bail bond.

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

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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