

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68714 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- BALIYA District- Begusarai

Nitish Kumar Son Of Late Dhirendra Mahto @ Dhirendra Mahto R/V-
Hariharpur, Ward No. 5, P.S - Teghra, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68880 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- BALIYA District- Begusarai

Chandan Sah Son Of Shankar Sah Resident Of Village- Kishanpur, Panchayat
Parmanandpur, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68714 of 2022)

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 68880 of 2022)

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in
connection with Ballia P.S. Case No. 229 of 2022 registered
under sections 25 (1-b)a, 26 and 35 of the Arms Act.

Prosecution case in short is that while police team was
patrolling duty, in the meantime, they got information that two
accused persons who were assembled near a hut situated at



Railway quarter were planning to commit the crime. Thereafter, police surrounded that hut and apprehended two accused persons, after that they disclosed their name as petitioners, namely, Nitish Kumar and Chandan Sah. During course of search, there is recovery of one loaded country made pistol and one live cartridge from the possession of the Nitish Kumar whereas from the possession of Chandan Sah, one live cartridge and one master key for opening motorcycle has been recovered.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence merely on suspicion. They have falsely been implicated in this case merely on suspicion. As a matter of fact, nothing illegal arms and cartridges have been recovered neither from the conscious possession of both the petitioners. There is no signature of the petitioners on the seizure list. No any eyewitness has come forward to support the prosecution case. The petitioners have got no criminal antecedent. They are languishing in judicial custody since 25.08.2022.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties, the Court is inclined to enlarge the petitioners on bail. The above



named petitioners are directed to be enlarged on bail in connection with Ballia P.S. Case No. 229 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

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