

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75001 of 2022**

Arising Out of PS. Case No.-273 Year-2021 Thana- GOPALPUR District- Patna

1. DIPU SAO
2. RAJESH SAO @ CHHOTU  
Both are Sons of Mahesh Sao Resident of Village- Aadampur, P.S.- Kalpa,  
District- Jehanabad and are presently residing at Bairak Colony, Post and  
Police Station- Bhurkunda, District- Ramgarh, Jharkhand
- ... .. Petitioner/s
- Versus
- The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Singh,Advocate  
For the Opposite Party/s : Mr.Ram Priya Sharan Singh,A PP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      07-08-2023                      Heard learned counsel for the petitioners and the  
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since  
18.12.2021 in connection with Gopalpur P.S.Case No.273 of  
2021, F.I.R. dated 06.08.2021 registered for the offence  
punishable under Section 414/34 of the Indian Penal Code and  
Sections 25(1-b)a/26/35 of Arms Act.

3. The case relates to recovery of one motorcycle,  
three country made pistol, three empty cartridges and four live  
cartridges.

4. Learned counsel appearing for the petitioners  
submits that the petitioners have falsely been implicated in the



present case. Further submits that from bare perusal of the FIR as well as the seizure list that one motorcycle, three country made pistol, and three empty cartridges and four live cartridges have been recovered from possession of the petitioners. Learned counsel for the petitioners submits that in fact nothing has been recovered from conscious possession of the petitioners rather the police has planted the same and shown that the recovery has been made from possession of the petitioners and the motorcycle in question does not belong to the petitioners and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 18.12.2021.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries two more cases and petitioner No.2 carries three more cases other than the present one but fairly submits that petitioner No.1 is on bail in one case out of two and petitioner No.2 is on bail in two cases out of three, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Gopalpur P.S.Case No.273 of 2021, with the following conditions:-

(I) 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.

(II) 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.

(II) 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)**

Nitesh/-

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