

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79412 of 2023

Arising Out of PS. Case No.-357 Year-2018 Thana- MUNGER MUFFASIL District- Munger

1. CHANDRAWATI DEVI wife of Purushottam Lal Rajak Village- Panchsheel Nagar Ps- Gorakhpur Dist- Jabalpur MP
2. Shilendra Rajak @ Shailendra Rajak @ Shivendra Rajak son of Purushottam Lal Rajak Village- Panchsheel Nagar Ps- Gorakhpur Dist- Jabalpur MP

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 121, 379, 414, 120B/34 of the Indian Penal Code, Sections 25(1-A), 25(1-AA), 25(1-B)A, 26, 35 of the Arms Act and Section 39 of the U.A.P. Act.

3. As per prosecution case, the petitioners along with other accused persons are alleged to be indulged in selling illegal arms to Naxalites and other criminals.

4. Heard learned counsel for the petitioner and learned APP for the State.



2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 121, 379, 414, 120B/34 of the Indian Penal Code, Sections 25(1-A), 25(1-AA), 25(1-B)A, 26, 35 of the Arms Act and Section 39 of the U.A.P. Act.

3. As per prosecution case, the petitioner along with other accused persons are alleged to be indulged in selling illegal arms to Naxalites and other criminals.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to old dispute. They have committed no offence. Petitioners are not apprehended on spot. The name of the petitioners have come into light, on the basis of confessional statement of apprehended co-accused, which has got no evidentiary value in the eyes of law. No incriminating articles have been recovered from the conscious possession of the petitioners. On the basis of suspicion and due to their criminal antecedents, the petitioners have been implicated in the present case. The prosecution witnesses have not been examined till now. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 23.05.2023. passed in Cr. Misc. No. 22537 of 2023. They are languishing in judicial custody since 17.11.2018.



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

6. Having heard learned counsel for the parties and
considering the facts and circumstances of the case as well as
period of custody, this court is inclined to enlarge the petitioners
on bail. The above named petitioners are directed to be enlarged
on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand
only) each with two sureties of the like amount each to the
satisfaction of the learned Chief Judicial Magistrate, Munger in
connection with Muffasil P.S. Case No. 357 of 2018.

(Sunil Kumar Panwar, J)

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