

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80425 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- IMAMGANJ District- Gaya

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1. Sanjeet Kumar S/O Suresh Paswan Village- Baghakola, Ps. Pratappur, Dist. Chatra (Jharkhand).
 2. Suraj Kumar S/O Manoj Bharati @ Manoj Bhuiya Village- Baghakola, Ps. Pratappur, Dist. Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Imamganj P.S. Case No. 206 of 2023, instituted for the offences under Section 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case, in short, is that on 27.07.2023 at 12:10 A.M., the Informant along with other police personnel were going to arrest the absconding accused. When they reached at Vishrampur More, they saw that four persons are standing surrounding a motorcycle. On seeing the police party, the accused persons started fleeing away. Anyhow, the police caught the accused/petitioners while the others succeeded to flee



away. On search, a country made pistol and mobile set was recovered from the possession of the petitioner/Sanjeet Kumar whereas a mobile set, pliers, screwdriver and hexa blade were recovered from the possession of the petitioner/Suraj Kumar. A motorcycle bearing Registration No. JH-02AY-0403 was also seized by the police.

4. Learned counsel for the petitioners submits that the petitioners are innocent persons and have falsely been implicated in the present case merely on suspicion. The petitioners have no concern with the seized articles and nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. Charge-sheet has been submitted in this case against the petitioners. Learned counsel for the petitioners further submits that the seized motorcycle belongs to one Raj Kapoor Kumar who had given the same to the petitioner/Sanjeet Kumar.

5. The petitioners are languishing in judicial custody since 28.07.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the entire facts and circumstances of



the case and taking into account the period of custody as also the petitioners having no criminal antecedent, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Imamganj P.S. Case No. 206 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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