

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5934 of 2024

Arising Out of PS. Case No.-545 Year-2023 Thana- MADHUBAN District- East Champaran

1. Rupa Kumar Son Of Mevalal Sahani Resident Of Village- Wajitpur Maniyapar, Ps-Madhuban, Dist- East Champaran
2. Sonu Kumar Son Of Devendra Sahni Resident Of Village- Semra, Ps-Madhuban, Dist- East Champaran
3. Krishna Kumar Son Of Raghunath Sahani Resident Of Village- Semra, Ps-Madhuban, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

It is a case of recovery of incriminating articles from the possession of the petitioners. As per seizure list, one country made pistol and two mobiles have been



recovered from the possession of petitioner, namely, Sonu Kumar. One country made pistol and one live cartridge have been recovered from the possession of petitioner, namely, Rupa Kumar and one mobile, one knife and one bag containing biomwtric charger, samsung Tablet-phone and cash Rs. 1,06,000/- from the possession of petitioner, namely, Krishna Kumar.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. It is further submitted that the articles which have been recovered at the time of seizure are not looted articles. There is no independent witness of the alleged seizure. Moreover, the petitioners are languishing in judicial custody since 30.10.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration 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 in connection with Madhuban P.S. Case No. 545 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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