

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12189 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- JANTA BAZAR District- Saran

Setu Kumar @ Kundan @ Kundan Kumar S/o Jhulan Pandey R/o vill -
Sareya, P.S. - Maharajganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12292 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- JANTA BAZAR District- Saran

Aryan Kumar S/o Munna Ray R/o vill - Dandasapur, P.S. - Janta Bazar, Distt. -
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 12189 of 2024)
For the Petitioner/s : Mrs.Alka Panday, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP
(In CRIMINAL MISCELLANEOUS No. 12292 of 2024)
For the Petitioner/s : Mr.Alka Panday, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mrs.Alka Panday, learned counsel for

petitioners and Mr.Choubey Jawahar, learned Additional Public

Prosecutor for the State in both the applications.

2. Petitioners are apprehending their arrest in

connection with Janta Bazar P.S.Case No. 167 of 2023, FIR

dated 01.10.2023, registered for the offences punishable under



Section 414 of IPC and Sections 25(1-b)a,26,35 of Arms Act.

3. The case relates to recovery of one country made pistol and a mobile phone.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the name of the petitioners have been transpired on the basis of the disclosure made by co-accused person, namely, Amit Kumar @ Jeeena Pandey. Further submits that no incriminating article or arms have been recovered from possession of the petitioners so no case is made out against the petitioners under the Arms Act and except the disclosure made made by the co-accused person, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners and submits that the petitioners have fled away from the place of occurrence and apart from the aforesaid the petitioners carry one more case other than the present one.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran in connection with Janta Bazar P.S.Case No. 167 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds 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.

(III) 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 antecedents, 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)

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