

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17445 of 2024

Arising Out of PS. Case No.-272 Year-2023 Thana- RAGHOPUR District- Vaishali

1. Shankar Kumar S/o Lalbahadur Rai R/o vill - Bahrapur, P.S. - Raghopur, Distt. - Vaishali
2. Pankaj Kumar S/o Suresh Rai R/o vill - Bahrapur, P.S. - Raghopur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and has been falsely implicated in the instant case by the informant and the informant alleges that one Dipu Rai was arrested from whose possession, a country-made pistol was recovered and he disclosed that the petitioners fled from the place of occurrence on seeing the police.



4. The learned counsel for the petitioners submits that petitioners were not arrested, as such, nothing was recovered from their conscious possession and they he came to be implicated based on confessional statement of Dipu Rai in police custody, which does not have any evidentiary value. It is next submitted at the cost of repetition that petitioners are persons with clean antecedent. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Raghopur (Rustampur O.P.) P. S. Case No.272 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that that one of the bailors of the petitioners shall be their respective fathers namely, Lالبahadur Rai and Suresh Rai.



7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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