

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21270 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- CHAKIA District- East Champaran

1. Rajan Tiwari S/O Krishna Tiwari R/O Village- Shripur, P.S- Chhauradano, Distt.- East Champaran.
2. Sanny Jha S/O Janardhan Jha R/O Village- Jandaha, P.S- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 324, 326, 332, 333, 352, 353, 307 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of Arms Act.

3. According to the FIR, when the informant along with police personnel were on patrolling duty, a vehicle was trying to escape after seeing them. When police tried to caught them, a clash broke out between



the accused and the police. Ultimately, the accused persons have been arrested and from possession of petitioners, country made pistols and live cartridges were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioners have no concerned with the alleged arms seized by the police. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. The petitioners have still not been put on T.I.P. The petitioners are languishing in judicial custody since 10.05.2023. Moreover, other similarly situated co-accused has been granted bail vide order dated 03.11.2023 passed in Cr. Misc. No. 69672 of 2023.

5. Learned APP appearing for the State has opposed the prayer of regular bail.

6. Considering the facts and circumstances of



the case as well as custody period of the petitioners, this court is inclined to enlarge him on bail. The above named petitioners are directed to be released on bail **after framing of charge, if the charge has still not been framed** in connection with Chakia P.S. Case No. 168 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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