

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27954 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- KANHAULI District- Sitamarhi

1. Akash Kumar S/o Ram Babu Sah R/o At and P.O. - Araria, P.s. - Kahanauli, Distt. - Sitamarhi
2. Ashish Kumar @ Ashish Ranjan S/o Ram Babu Sah R/o At and P.O. - Araria, P.s. - Kahanauli, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sitaram Prasad, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kanhauli P.S. case No. 14 of 2024, instituted for the offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution story, in short, is that, police, on the basis of secret information that some accused persons are planning to commit crime, raided the place of occurrence. Seeing the police, the accused persons started fleeing away but three accused persons including these petitioners were apprehended whereas rest accused persons succeeded in fleeing away. On search, a *nepali dabia* was recovered from petitioner



no.1 whereas one knife was recovered from petitioner no.2.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case due to village politics. No specific overt act is alleged against these petitioners and the allegation levelled against these petitioners are false and concocted. Learned counsel further submitted that Sections 25(1-b)a, 26, 35 of the Arms Act are not attracted against the petitioners as the said loaded country-made pistol was recovered from the possession of the co-accused Abhishek Kumar. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioners that the petitioners are in custody since 05.02.2024 and have no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, charge-sheet already being submitted and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. 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 Kanhauli P.S. case
No. 14 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

