

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41785 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MAHNAR District- Vaishali

1. Jitendra Kumar, aged about 22 years (M), S/O Mahendra Rai, Resident Of Village-Baghra Mohanpur, P.S.-Mohanpur, District-Samastipur.
2. Rahul Kumar, aged about 22 years (M) S/o Baidyanath Ray, resident of village-Baghra Mohanpur, P.S.-Mohanpur, District-Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shivjee Singh, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-06-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mahnar P.S. Case No. 80 of 2024 dated 28.03.2024 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, during patrolling, police apprehended the petitioners and other co-accused persons and from possession of the petitioner no. 1, two live cartridges and from possession of the petitioner no. 2, two live cartridges were recovered.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners were not arrested on the spot and no incriminating article has been recovered from possession of the petitioners. It is further submitted that the petitioners were returning from the house of their Phua resides in the village-Rajauli, Hajipur, Vaishali and on the way, their motorcycle was stopped by police and they demanded papers of the said motorcycle. The petitioners showed photostat copy of the registration certificate but the informant demanded original of the same and took them to the police station and showed their arrest with other co-accused persons. The petitioners were arrested in Mahnar P.S. Case No. 71 of 2024 in which they have confessed before the police and on that confession, one looted mobile was recovered for which the present case has been lodged. The petitioners have one criminal antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 30.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the petitioners, above named, are directed to be



enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 80 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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