

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45245 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- KHAJANCHI HAT District- Purnia

1. Md. Javed Alam @ Javed son of Md. Azim alam Village- Milki w.No-10, Ps- K. Hat Dist- Purnea
2. Md. Iftakar @ Md. Iftakur son of Jainuddin R/o- Rampur W.No-8, Ps- K. Nagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhu Ranjan

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2 . The petitioners seek bail in connection with K. Hat (Maranga) P.S. Case No. 206 of 2024 instituted for the offences under Sections 414, 467, 468/34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence and saw a Hundai car and one motorcycle having no number plate. On seeing the police-party, the miscreants tried to flee away from there unsuccessfully and were apprehended by the police. On search, the police recovered a country made pistol and a live



cartridge magazine from the possession of petitioner no. 1 and one mobile has also been recovered from the possession of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence as alleged against him and has falsely been implicated in the present case only on mere suspicion. The petitioners have no concern with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioners. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Petitioner no. 1 has four criminal antecedents and petitioner no. 2 has three criminal antecedents and are languishing in judicial custody since 29.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case. The other co-accused has already been granted bail by this Court vide order dated 21.05.2024 passed in Cr. Misc. No. 37298 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the



petitioners as also the nature of offence, let the petitioners, above named, 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 K. Hat (Maranga) P.S. Case No. 206 of 2024, Subject to following conditions:

- (i) One of the bailors shall be own/close member of the family of the petitioners.
- (ii) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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