

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47510 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

AMAN KUMAR, SON OF RAKESH SHARMA @ RAKESH KUMAR,
RESIDENT OF VILLAGE- PALEYA, P.S.- MAKHADUMPUR, DISTRICT-
JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49205 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

SANJIVAN SWARAJ @ BALAJEE SON OF SANJIT KUMAR R/O-
VILLAGE- BRAHMARSHI NAGAR, WARD NO. 6, P.S.-
MAKHADUMPUR, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47510 of 2024)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 49205 of 2024)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-07-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Makhdumpur P.S. Case no. 99 of 2024 registered under sections 307, 402 and 399 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the informant states



that on having received information about the accused having gathered and planning to give effect to an occurrence, it is stated that a raid was conducted. It transpired that one of the accused had sustained gunshot injury in an accidental fire which had taken place. The informant states that Golu Kumar @ Bangali who sustained injury took the name of Lav Kumar as having handed over the firearm to him and in turn Lav Kumar took the name of Balajee @ Sanjivan Swaraj, who further stated that he had handed over the firearm to Aman Kumar. Aman Kumar stated that he had handed over the firearm to Lav Kumar. Finally, the firearm was recovered from the tube-well boring. It is also stated by the informant that Golu Kumar @ Bangali disclosed that it was as a result of accidental fire by Sanjivan Swaraj @ Balajee that he had sustained firearm injury.

4. Learned counsel for the petitioner submits that Aman Kumar is innocent and has been falsely implicated in the case. No incriminating article has been recovered as a result of any information given by him. He is in custody since 28.2.2024 and has no criminal antecedent. It was further submitted that Sanjivan Swaraj @ Balajee has been falsely implicated in the case. Contrary to the allegations, no statement had been given by Golu Kumar @ Bangali that it was as a result of accidental



fire by this petitioner that he sustained firearm injury. The petitioner is in custody since 28.2.2024 and has no criminal antecedent.

6. The applications for bail is opposed by learned A.P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegations in the F.I.R., the petitioners being in custody since 28.2.2024, both the petitioners not having any criminal antecedent and charge-sheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Makhdumpur P.S. Case no. 99 of 2024, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Jehanabad.

(Partha Sarthy, J)

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