

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58594 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

1. Abhishek Kumar @ Raifle Son Of Amerika Rai Resident Of Village - Hemuchapra, P.S. - Baikunthpur, District - Gopalganj.
2. Vikash Kumar Son Of Kameshwar Ray Resident Of Village - Lakri Nabiganj, P.S.- Basantpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shubhangi Pandey
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-09-2024 Heard Mrs. Shubhangi Pandey, learned counsel for the petitioner and Mr. Dilip Kumar No. 1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 399, 402, 412 of the Indian Penal Code and Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. On secret information that some miscreants are assembled for committing big crime, a raid was conducted and some persons were arrested on the spot from which one country made pistol loaded with one live cartridge and mobile handset, knife etc. were recovered.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. He submits that the apprehended person disclosed the name of the petitioners. He submits that there is no specific overt act against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that no incriminating article has been recovered from the conscious possession or from the house of the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 136 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned court below shall accept



the bail bond of the petitioners after verifying the fact that the petitioners have got no criminal antecedent. If the learned court below after verification finds that the petitioners have criminal antecedents, the bail bond of the petitioners shall not be accepted.

(Anjani Kumar Sharan, J)

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