

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60454 of 2024**

Arising Out of PS. Case No.-90 Year-2024 Thana- SALAKHUA District- Saharsa

1. Dablu Kumar @ Dabloo Kumar Son of Devnarayan Yadav @ Devnaryan Yadav Resident of village - Begeva, P.S.- Salkhua, District - Saharsa.
2. Rishi Kumar Son of Vijendra Yadav Resident of village - Pipra, P.S.- Salkhua, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      04-09-2024      Heard learned counsel for the petitioners and learned APP for the State.

2.      The petitioners seek bail in connection with Salkhua P.S. Case No. 90 of 2024 instituted for the offence under Sections 411 & 413 of the Indian Penal Code and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3.      Prosecution case in short is that there is recovery of one live cartridge, mobile phone and motorcycle from the possession of the petitioner No.1, whereas, one loaded country made pistol and mobile phone were recovered from the possession of the petitioner No.2.

4.      It has been submitted on behalf of the petitioners



that the petitioners are in custody since 26-03-2024. Petitioner No.1 bears three criminal antecedents while petitioner No.2 bears two criminal antecedents.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Nothing has been recovered from the possession of the petitioners. Petitioners have no concern with the recovered arms. There is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that charge sheet has been submitted in this case and charge has also been framed for offence under Sections 411 & 413 of the IPC as well as Section 25(1-B)a, 26 & 35 of the Arms Act.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and charge sheet being submitted, this Court is inclined to grant bail to the petitioners.

8. 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 Salkhua



P.S. Case No. 90 of 2024, subject to the 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)**

Raj Kishore/-

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