

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63799 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- NAUGACHIA District- Bhagalpur

1. Akshay Tiwary S/O Saheb Tiwary R/O Village- Lal Pokhar Digghi, P.S- Hajipur, Distt.- Vaishali.
2. Arvind Pandey S/O Ramashish Pandey R/O Village- Sokharaha Barauni, P.S- Phulwariya, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Raju Kumar, Adv.
For the Opposite Party/s :		Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Naugachia P.S. Case No. 151 of 2024 dated 03.05.2024 registered for the offences punishable u/s 399, 402 of the I.P.C. and Section 25(1-B)a/ 26, 35 of the Arms Act.

3. As per the prosecution case, a mobile phone was recovered from the possession of the petitioner no. 1 Akshay Tiwary when the petitioners along with other co-accused persons was making preparation to commit *dacoity*.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The recovery of mobile phone has been made from the



possession of the petitioner Akshay Tiwary which belonged to him and the petitioner Arvind Pandey, nothing has been recovered from his conscious possession. No incriminating article has been recovered from the conscious possession of the petitioners. The co-accused person has already been granted regular bail by this court vide order dated 11.09.2024 passed in Cr. Misc. No. 61793 of 2024. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 03.05.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, 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 Court concerned, Naugachia, Bhagalpur in connection with Naugachia P.S. Case No. 151 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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