

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76161 of 2024

Arising Out of PS. Case No.-556 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Sanjay Jha Son of Navkant Jha Resident of Village - Kahra, Ward No. 13, P.S. - Saharsa, District - Saharsa
2. Raman Yadav @ Aarpit Anand Son of Badri Yadav Resident of Batraha, Ward No.25/26, P.S. and District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 556 of 2024, registered on 06.06.2024, for the alleged offences under Sections 25(1-B)(a), 26, 35 of the Arms Act.

03. As per prosecution case, police received secret information about the petitioners sitting in an under construction Shiv Temple with firearms. The petitioners were apprehended from the temple and from petitioner no. 1, one pistol loaded with four live cartridges was recovered and from petitioner no.2, recovery of a magazine with two live cartridges was made.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case has been lodged in the highhandedness of the police who has made petitioner no.1 accused in a large number of cases. The petitioner no. 1 is having 14 *bighas* of land in the town and in order to pressurize the petitioner no. 1 to sell the land, false cases are being lodged time and again against him. Prior to the lodging of the present case, petitioner no. 1 was remanded in another case showing the recovery of two spent cartridges and in that case, the petitioner was granted bail by a Co-ordinate Bench vide order dated 01.10.2024 passed in Criminal Misc. No. 65974 of 2024. Learned counsel further submits that the prosecution story is not believable that the petitioners were sitting with firearms and ammunition in the temple. If the petitioners were having firearms and ammunition, it is surprising that they were apprehended by the police on chase but they did not try to use the firearms for making good their escape. There is no independent witness to the search and seizure. Learned counsel further submits that though petitioner no. 1 has been made accused in altogether 16 cases, he has been acquitted in three cases and in one of the cases, compromise petition has been



filed and in two cases, police has submitted closure report and he is on bail in all other cases except one case. Learned counsel further submits that petitioner no. 2 is having antecedent of two cases and he has been acquitted in both the cases. The petitioners are in custody since 07.06.2024 and charge-sheet has been submitted. There is no chance of tempering with the investigation.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that petitioner no.1 appears to be a habitual offender and is in accused in a large number of cases.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/court concerned in connection with Sadar P.S. Case No. 556 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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