

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74121 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- SALIMPUR District- Patna

1. Upendra Kumar Son of Vindeshwar Singh Resident of Village- Salimpur Milki, P.S.- Salimpur, District- Patna
2. Nawal Yadav Son of Late Devnandan Singh Resident of Vill- Salimpur, P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024 Heard Mr. Shashi Ranjan Kumar, learned counsel for
the petitioner and the State.

2. The petitioners are in judicial custody in connection with Sessions Trial No. 1331 of 2024 arising out of Salimpur P.S. Case No. 160 of 2024 for the offence punishable under Sections 398 and 401 of the Indian Penal Code and sections 25(1-B)(A)/26/35 of the Arms Act lodged on 25.05.2024 by the informant, Krishna Kumar.

3. As per the prosecution story, the allegation is that on secret information about the accused assembling for committing crime, the police reached the place and apprehended the accused persons and there is recovery/seizure



of country made pistol and 18 live cartridges from the petitioner no.1 and country made pistol and 10 live cartridges from the petitioner no.2. Accordingly, the FIR.

4. It is the case of the petitioners that they do not have criminal antecedent and earlier they had tiff with the police which led to this implication. Both are elderly persons and till date they do not have any criminal antecedent. Last submission is that they are in custody since 26.05.2024 (para-14 of the petition).

5. Learned APP opposes the prayer submitting that there is recovery of country made pistol and live cartridges from both of them.

6. Considering the aforesaid submission put forward by the parties as also taking into account the fact that they do not have criminal antecedent, are in custody since 26.05.2024, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Barh, Patna, in connection with Sessions Trial No. 1331 of 2024 arising out of Salimpur P.S. Case No.



160 of 2024 subject to the following conditions:

- (i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;
- (ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;
- (iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;
- (iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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