

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1287 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- PIPRA District- East Champaran

1. Deepak Kumar @ Deepak Das Son of Hakim Das Resident of Village Madhuchhapara, P.S. Pipra, District- East Champaran, Motihari.
2. Awadhesh Kumar Son of Munilal Bhagat Resident of Village - Ghanshyam Pakar, P.S.- Pipra, District- East Chamapran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 24-01-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Pipra P.S. Case no.279 of 2023 registered under sections 420, 399, 402, 413, 414, 468, 469 and 471 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, seeing the police personnel, the accused persons made an attempt to escape but were caught. On search, a loaded country made pistol each was recovered both from possession of petitioner no.1 as also from possession of petitioner no.2.

4. Learned counsel for the petitioners submits that no incriminating article has been recovered from the petitioners possession who have been falsely implicated in the case. They are in custody since 12.9.2023 and petitioner no.2 has no criminal



antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. of recovery of a loaded country made pistol from the possession of petitioner no.1 together with the petitioner no.1 having three criminal antecedents as stated in paragraph no.3 of the petition, the Court is not inclined to enlarge the petitioner no.1 on bail and the application is rejected.

7. Liberty is granted to petitioner no.1 Deepak Kumar @ Deepak Das to renew his prayer for bail after six months.

8. Taking into consideration the facts and circumstances of the case, the allegation against the petitioner no.2 in the F.I.R., his not having any criminal antecedent, having remained in custody since 12.9.2023 and chargesheet having been submitted in the case, the petitioner no.2 Awadhesh Kumar is directed to be enlarged on bail in connection with Pipra P.S. Case no.279 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari.

(Partha Sarthy, J)

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