

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2725 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- PASRAHA District- Khagaria

1. Praveen Kumar S/o Bilakshan Prasad Singh R/o Village- Dharhara police Station Navgachhiya (Gopalpur), Distt- Bhagalpur
2. Jitendra Kumar S/o Upendra Singh R/o Village- Pasraha, P.S. Pasraha, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Pasraha P.S. Case No. 232 of 2023 dated 19.08.2023, lodged
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons (petitioners) from
whose possession, one loaded *desi katta* has been recovered.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. He
submits that the said recovery has not been made from the
conscious possession of the petitioners. The recovery from

petitioner no. 1 has been made from bag and the recovery from petitioner no. 2 has been made from the room of joint family. He further submits that the petitioners are in custody since 19.08.2023 having clean antecedents.

5. Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that as per his knowledge, charge has not been framed in this case. He also submits that the offence in which petitioners are charged is basically magisterial triable in nature.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria in connection with Pasraha P.S. Case No. 232 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their

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 bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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