

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29634 of 2025

Arising Out of PS. Case No.-356 Year-2024 Thana- KAHALGAON District- Bhagalpur

1. Vijay Kumar Son of Late Laxman Yadav Resident of village - Purab Tola Shiv Kumari Pohar Ward No.- 14, P.S.- Kahalgaon, District - Bhagalpur.
2. Dhiraj Kumar Goswami Son of Sunil Goswami Resident of village - Vikramshila Bishanpur, P.S.- Shivnarayanpur, District - Bhagalpur at present Resident of village - Kajipura Ward No.- 3, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Prasad, Advocate
For the State	:	Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-08-2025 This case has been heard through video conferencing.

2. Heard Mr. Subodh Prasad, learned counsel for the petitioner and learned APP representing the State.

3. The petitioners are in custody in connection with Kahalgaon P.S. Case No. 356 of 2024, S.T. No. 766 of 2024 for the offence punishable under sections 399, 402 and 414 of the Indian Penal Code and under section 25(1-b)a, 26 and 35 of the Arms Act, lodged on 10.06.2024 by the informant, Atulesh Kumar Singh.

4. As per the prosecution story, the Police upon secret information, reached the place and apprehended the two accused



(petitioners herein) and there is recovery/seizure of a pistol and one cartridges from petitioner no.1, one pistol and two mobile phones from the petitioner no.2. This led to the arrest/F.I.R.

5. Learned counsel for the petitioners submit that they have already suffered by being in custody since 11.06.2024, only because they have criminal antecedents has been implicated, if granted bail, they shall be diligently appearing in trial.

6. Learned APP opposes the prayer for bail submitting that they have criminal antecedents.

7. Considering the submissions of the parties as also the period of custody coupled with the fact that an undertaking has been given as stated above, in that background, this Court is inclined to extend them the privilege of bail with conditions.

8. 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-XIX, Bhagalpur, in connection with Kahalgaon P.S. Case No. 356 of 2024, S.T. No. 766 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 fortnight for one year to mark their attendance and at the end of one year shall be submitting the attendance certificate before the Trial Court;

(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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