

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84582 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- KALYANPUR District- East Champaran

1. Krishnandan Kumar S/O Sikandra sahani Resident of village - Paithaniya, P.S- Chakiya, District- East Champaran
2. Santosh Kumar S/O Gajendra Sahni @ Gajindra Sahani Resident of village - Phular, P.S- Monipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Kalyanpur P.S. Case No. 264 of 2024, instituted for the offences punishable under Sections 310(4), 310(5), 338, 340, 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons were getting prepared for committing crime, in the meantime, police reached at the place of occurrence and apprehended all the accused persons. On search, one smart phone, one live cartridge and one



motorcycle without number plate have been recovered from the possession of the petitioner no. 1 and one smart phone along with one live cartridge has been recovered from the possession of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners have got no concern with the alleged recovery of arms. The petitioners were passerby of that way and were arrested on the basis of suspicion. The petitioners are in custody since 09.08.2024 and have got one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 23.01.2025 passed in Cr. Misc. No. 88846 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody



undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 264 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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