

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV,
SAHARSA

R.B.A. NO. 888/2022

&

R.B.A No. 894/2022

In connection with Mahishi P.S case no. 239/2022

Raja Kumar and (1) other
Vrs.
The State of Bihar

Order

16.11.2022

Both applications are for regular bail under section 439 of Cr.PC. Since both the bail petitions arose from the same occurrence and same P.S and both bail petitions are taken together for hearing and order. The **bail petition no. 888/2022** has been filed on behalf of accused/petitioner namely **Raja Kumar** and the **bail petition no. 894/22** has been filed on behalf of accused/petitioner namely **Deepak Kumar** who are in custody in connection with Mahishi P.S case no. 239/22 since 28.08.2022 registered under sections 25(1-B)a, 26, 35 of Arms Act.

Heard. Mr. Dhruv Kumar Jha and Mr. Sugandhi Kumar Yadav, Ld. advocates for the petitioners as well as Ld. A.P.P for the state.

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Ld. advocates appearing on behalf of petitioners submitted that petitioners are quite innocent and have committed no offense. That never any bail application has been moved either before this court or any higher court Patna prior to it. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 bears one criminal antecedent. That nothing has been recovered from the petitioners. Petitioners are men of means. So, no question arises of their absconding or tampering with the evidence.

Ld. A.P.P has opposed the prayer of bail and submitted that police after investigation found allegation true against these petitioners under section 25(1-b)a, 26, 35 of Arms Act.

Heard. Both sides. Perused the L.C.R of Mahishi P.S case no. 239/2022 along with case diary and material available on record. As per FIR, on a secret information police conducted raid and petitioners were arrested on the spot. As per search-cum-seizure report two live cartridges were recovered from petitioner no. 2 and one live cartridge was recovered from petitioner no. 1. The FIR is under section 25(1-b)a, 26, 35 of Arms Act against both these petitioners and after investigation police has already submitted charge sheet against both these petitioners. As per para-3 of their bail petition as well as para-65 of case diary petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal antecedent. Both the petitioners are in judicial custody since 28.08.2022 and investigation is also completed as charge sheet has been filed.

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Hence, regard being had to above-mentioned facts and circumstances and considering the custody period of petitioners, the bail petitions of the above-named petitioners are hereby **allowed** with direction to file bail bond of Rs. 10,000/- with two sureties each to the satisfaction of Ld. court below.

Dictated

-Sd/-

Addl. Sessions Judge-IV
Saharsa

Memo No..... Dated.....

Let one copy of this order is forwarded to Ld. SDJM along with whole L.C.R for information and needful.

Addl. Sessions Judge-IV
Saharsa