

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8492 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -SISWAN District- SIWAN

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1. Dharmendra Singh
 2. Bijendra Kumar Singh @ Guddu Singh
 3. Rupesh Kumar Singh
 4. Gajendra Mohan Singh @ Gajendra Sohan Singh
 5. Suchit Singh.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rani Kumari

For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-AA), 26 and 35 of the Arms Act.

On information that the miscreants are preparing to commit dacoity, raid was laid in the house of Bijendra Kumar Singh @ Guddu Singh but Guddu Singh and other accused including the petitioners escaped from the place of raid. One Chandan Singh was arrested from whom two loaded pistols and cartridges were recovered. Three pistols including two country made pistols were recovered from the Dining Hall of Guddu Singh

allegedly thrown by co-accused. One automatic pistol, two live cartridges and liquor were recovered from the Duster vehicle allegedly registered in the name of petitioner no.3, Rupesh Kumar.

It is submitted by learned Senior Counsel for the petitioners that recovery cannot be treated from the possession of petitioners as they were not apprehended from the place of seizure. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the vehicle from which recovery arms and liquor has been made, is found registered in the name of petitioner no.3, this Court is not inclined to grant anticipatory bail to him.

Let the learned court below consider the prayer for regular bail of the petitioner no.3 without being prejudiced by the order of this Court if he surrenders within a period of six weeks.

Considering the fact that actual recovery has either been made from Chandan Singh or from the house of Guddu Singh or from the vehicle of Rupesh Singh and not from the petitioner nos. 1, 2, 4 and 5, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like

amount each to the satisfaction of the learned C.J.M., Siwan in connection with Siswan P.S. Case No. 01 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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