

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55990 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -PARSAUNI District- SITAMARHI

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1. Munna Sah son of Late Dashrath Sah R/o Village - Sonaul Subba, P.S. - Majorganj, District - Sitamarhi.
 2. Awadhesh Kumar Rai @ Awadhesh Rai son of Ramprit Rai R/o village - Parsurampur, Tole Dhamaura, P.S. - Parsauni, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-02-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 414 and 120 B of the I.P.C and sections 25 (1-B) A, 26 and 35 of the Arms Act.

Allegedly, from possession of petitioner Munna Sah one country made pistol, two live cartridges and mobile were recovered, whereas, from possession of petitioner Awadhesh Kumar Rai @ Awadhesh Rai also one country made pistol, two live cartridges, mobile and motorcycle were recovered.

Submission is of false implication and that no offence under sections 414 and 120 B I.P.C. is made out, the police after

showing wrong recovery has implicated the petitioners, there is nothing on the record to show that the recovered motorcycle was the theft property and the petitioners are suffering in custody since 12.06.2015.

The learned A.P.P. submits that the petitioners have got criminal antecedents as they are involved in two more cases also.

In the facts and circumstances as stated above, considering the alleged recovery and detention of the petitioners, now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Parsauni P.S. Case No. 61 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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