

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.876 of 2016

Arising Out of PS.Case No. -277 Year- 2015 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sukhari Sahani @ Sukhadi Sahani Son of Late Sital Sahani,
 2. Rahul Kumar, son of Sukhari Sahani @ Sukhadi Sahani, Both are resident of village- Telua South, Tola of Rajdeo Rai, P.S.- Nautan, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016 Heard the learned counsel for the petitioner no.1 as well as the learned A.P.P for the State.

The petitioner no.1 seeks bail in a case for the offences punishable under sections 25 (1-b), 26 and 35 of the Arms Act.

Allegedly, from the house of petitioner no.1 three country made guns were recovered and he confessed that earlier one man of Bagaha used to manufacture the illegal arms in his house but he was caught in a case in Uttar Pradesh and then he threw away all the tools.

Submission is of false implication and that during investigation no criminal antecedent of the petitioner no.1 has been found, nothing has been recovered from the conscious

possession of the petitioner no.1, the petitioner no.1 has been made victim of the circumstances, the petitioner no.2 has already been allowed bail and as such the petitioner no.1 also deserves sympathetic consideration as the house is in joint possession.

The learned A.P.P. submits that three country made guns were recovered from the house of the petitioners and the petitioner no.2 being the son of petitioner no.1 was allowed bail by order dated 11.01.2016.

In the facts and circumstances as stated above, as the petitioner no.1 has got no criminal antecedent and as such he is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. West Champaran at Bettiah in Nautan P.S. Case No. 277 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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