

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25506 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Akhilesh Kumar Son of : Ram Swaroop Bhagat Resident of Village:
Khorl Pakar, Police Station: Sahebganj, District Muzaffarpur
2. Gopal Bhagat Son of : Prabhu Bhagat Resident of Village: Girijas, Police
Station Saraiya, District Muzaffarpur Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Prafull Chandra Jha, Adv.

For the Opposite Party : Mr. Surendra Kumar, APP 190

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-08-2016 Heard the learned counsel for the petitioners and the
counsel for the State.

The petitioners are in custody in connection with
Sahebganj P.S. Case No. 288 of 2015 registered for an offence
under Sections 25(1-B) a, 26 and 35 of the Arms Act and 16, 17,
18, 20, 22 and 23 Unlawful Activities Prevention Act.

As per the prosecution case, the informant, Station
House Officer of Sahebganj Police Station has alleged that some
members of naxal organization are convening meeting in village
Khorl Pakar for committing some disruptive activities. The
information was brought to the notice of the higher police officials
and, thereafter, informant conducted raid and searched the house,
but, some persons fled away from a hut taking advantage of
darkness. From the search of the hut, three persons were
apprehended, who disclosed their names as Amit Kumar, Akhilesh
Kumar and Gopal Bhagat. From the possession of petitioner no. 1
one loaded country made pistol along with one cartridge is said to
have been recovered and from the possession of petitioner no. 2
two cartridges are said to have been recovered.

Learned counsel for the petitioners submits that the petitioners are in custody since 10.11.2015. Charge sheet has been submitted in the case. There is no criminal antecedent against the petitioners. There is no allegation of tampering of witnesses alleged against the petitioners. There is no compliance of Section 100 of the Criminal Procedure Code. From possession of petitioner no. 1 one loaded country made pistol and one cartridge is recovered and from petitioner no. 2 two cartridges were recovered.

On behalf of the State, it is submitted that the petitioners are named in the first information report.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Sahebganj P.S. Case No. 288 of 2015 (G.R. No. 26 of 2015) to the satisfaction of the Session's Judge-cum-Special Judge, Muzaffarpur.

(Sudhir Singh, J)

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