

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31103 of 2016

Arising Out of PS.Case No. -141 Year- 2016 Thana -RAJAULI District- NAWADA

1. Rajendra Modi
2. Surendra Modi Both are sons of Late Rameshwar Modi, resident of Village Jhumri Telaiya, P.O. & P.S. Telaiya, District Kodarma (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad
Mr. Abhishek Singh,

For the Opposite Party/s : Mr. Md. Ansarul Haque,

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-08-2016 Heard both sides.

The petitioner(s) are facing accusation in Rajauli P.S. Case No. 141 of 2016, registered under Sections 25(1-b) a /26 of the Arms Act.

The petitioner(s) are two partners of M/s Sharda Mica Mining Company. In course of search of the business premises, few persons were found carrying fire arms. As no licence was produced, they were arrested with the allegation of having possessed of fire arm without licence. The petitioner(s) being the partners in control of the premises/company were also made accuseds.

Referring to Annexure-6 and 7, it has been submitted

that to provide security to the company, the services of M/s Goswami Security Services (P) Ltd. was obtained. The personnels were provided by the said security service. This was informed much earlier to the concerned police station. The possession of the fire arms by those persons can be explained by them or by the Security Agency. Admittedly no fire arm or ammunition was recovered from the conscious possession of the petitioner(s).

Considering the facts and circumstances of the case, let the petitioner(s) above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Rajauli P.S. Case No. 141 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner(s) shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

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