

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6431 of 2016

Arising Out of PS.Case No. -157 Year- 2015 Thana -BARHARIA District- SIWAN

- =====
1. Reyajuddin Mian Son of late Azim Mian Resident of Village-Chap, P.s Sarai, (O.P), District siwan.
 2. Nirbhay kumar Yadav@Rahul son of Chandraman Yadav Resident of Village-Kabilpura, P.s M.H. Nagar, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

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

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 29-02-2016

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are seeking bail in connection with Barharia P.S. Case No. 157 of 2015 registered for offences under sections 414 of the Indian Penal Code and Section 25 (1-b)a, 26, 35 of the Arms Act.

An allegation has been made that while the police was taking usual round, the police received secret information that certain persons at Lauvan near Kali Mandir are planning to commit dacoity whereupon the police proceeded there. Looking to the police party, they started fleeing away. Two persons fled away by motorcycle and three persons were arrested. From the possession of the petitioner no.1, a country made pistol with one live cartridge was found. A motorcycle was recovered from the possession of the petitioner no.2.

The petitioners are in judicial custody since 24.5.2015.

Looking to the facts and circumstances of the case, let the petitioners, namely, Reyajuddin Mian and Nirbhay Kumar Yadav @ Rahul be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barhariya P.S. Case No. 157 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioners (ii) if the petitioners are found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of their bail and the court below will pass necessary order, including cancellation of bail (iii) the petitioners would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioners will report to the Barhariya police station by 7th of every month for at least six months and in case of failure without any valid rhyme or reason, the bail of the petitioners will be treated to have been cancelled.

(Shivaji Pandey, J)

Rishi/-

U		T	
---	--	---	--