

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50098 of 2016

Arising Out of PS.Case No. -773 Year- 2016 Thana -SAHARSA District- SAHARSA

- =====
1. Rikki Sah @ Riki Sah son of Lalo Sah, resident of village – Kahra, P.S. – Saharsa Sadar, District Saharsa
 2. Sanjay Kumar Yadav, son of Sidheshwar Yadav, resident of Refugee Colony, Ward No.6, P.S. - Saharsa Sadar, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016

Heard learned counsel for the petitioners and

the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 12.09.2016 in connection with Saharsa P.S. Case No. 773 of 2016 registered for the offence punishable under Sections 413 and 414 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

The prosecution case is that during course of raid of the house of accused in connection with Saharsa P.S. Case No. 150 of 2016, informant reached the house of one Manindra Jha and from there suspected persons including the petitioner started fleeing away, who were nabbed after chase and illegal fire-arms and stolen motorcycles were recovered and thereafter seizure-list

was prepared in presence of witnesses.

It has been submitted by the learned counsel for the petitioners that they are innocent and none of the sections as mentioned in the First Information Report is attracted against these petitioners as neither the arms have been seized from the conscious possession of the petitioners as the house of one Manindra Jha was raided by the police. He submits that the petitioners have no criminal antecedent and have falsely been dragged in the aforesaid case.

However, learned A.P.P. for the State submits that the petitioners were apprehended by the police and are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since nothing incriminating has been recovered from the possession of the petitioners and the house of another co-accused was raided, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 773 of 2016.

(Nilu Agrawal, J.)

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