

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42207 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -SIWAN CITY District- SIWAN

- =====
1. Mohd. Umar S/o Juman Ali
 2. Mohd. Haroon @ Haroon S/o Late Rauf, both resident of Aher, P.S. Tirwaganj, Dist-Kannauj (U.P.).
 3. Lukman Ali @ Lakman Ali S/o Late Usman Ali
 4. Mohd. Jubair, S/o Abdul Salam
 5. Mohd. Istakhar, S/o Abdul Salam, All are resident of Birhoon, Mohalla-Takia, P.S. Rassolabad, District- Kanpur Dehat (U.P.).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Raghav Prasad
For the Opposite Party : Mr. Ashok Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in a case instituted under
Sections 399, 402, 411, 412, 413, 414 of the Indian Penal Code
and Section 25(1-b)a/26/35 of the Arms Act.

The prosecution story, in brief, is that the informant got
information that in the house of one Alamgir, about 16 to 17
accused persons, armed with weapons were planning to commit
big crimes. On this information, the informant along with police
personnel, raided the house and 11 persons including these
petitioners were arrested on the spot and rest fled away. From



possession of the co-accused Sahenoor and Mohd. Badal, loaded country made pistol, mobile, weapons along with motorcycle are said to have been recovered. It is also alleged that from the said house of Mustaque, altogether 31 articles have been recovered including ornaments, watch, coin, digital weighing machine, mobile etc. From the house of Dilnawaj Ahmad, mobile, silver ornaments and cash of Rs. 89,500/- have been recovered from the possession of co-accused Rina Khatoon.

It has been submitted on behalf of the petitioners that the petitioner are in custody since 14.01.2016. The charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating article is said to have been recovered from the possession of the petitioners. The petitioners have been made accused due to mistake of fact.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief

Judicial Magistrate, Siwan, in connection with Siwan Town (Sarai
O.P.) P.S. Case No. 30 of 2016.

(Sudhir Singh, J.)

Amit/-

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

