

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39208 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Rabish Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 17-09-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. Petitioner, Rabish Kumar, is in custody since 12.05.2016
in Raxaul P.S. Case No. 89 of 2016 registered under Sections 25(1-b)a,
26/27 and 35 of the Arms Act.
3. According to prosecution case, from the possession of the
petitioner one rifle and one revolver were recovered.
4. Learned counsel for the petitioner submitted that the
petitioner is working on the post of 'Nayak' in Army service and has
got the license of both the arms and license was issued by the District
Magistrate and the license was produced before the I.O, which was
verified and the same is produced before this Court also and, therefore,
no case under Section 25 of the Arms Act is made out. The accused
persons have already been granted bail in this case.
5. It appears that the license was verified by the I.O. and it

was found that in fact, the license was issued in favour of the petitioner by the District Magistrate, Jammu & Kashmir, which is evident from paragraphs 92 and 93 of the case diary. Original license was produced before this Court at the time of hearing of this application. Further the petitioner is in Military service posted at Jammu & Kashmir. On leave he had come here and at that time the police has arrested.

4. Considering the above facts and circumstances of the case and the fact that the petitioner is Military service having license of the arms recovered, I direct the petitioner, above named, be released on bail on furnishing bail bond of Rs. 5,000/- (Five Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul in connection with Raxaul P.S. Case No. 89 of 2016

Brajesh/-

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(Mungeshwar Sahoo, J)