

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27057 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -RAJPUR District- BUXAR

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1. Babuli Paswan
 2. Jitan Paswan @ Jagjitan Paswan, both sons of Prasadhan Paswan and resident of Village+P.S.-Itarhi,District-Buxar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioners and learned Additional P.P. for the State.

The petitioners are apprehending their arrest in a case registered under Sections 399, 402, 120B of the IPC and Sections 25(1B)(a) and 26 of the Arms Act.

The prosecution case is that the informant, being A.S.I. of Rajpur Police Station, received information that four persons were assembling in eastern side of Khalihan of village Mangolpur in order to commit dacoity and when he reached near the spot he found 3-4 persons started fleeing from the place and on chase one person was caught, namely, Mukteshwar Paswan, from whose possession one country made pistol and eight cartridges were

recovered, and the other three persons fled away were Santosh Paswan, Babuli Paswan (petitioner No.1) and Jitan Paswan (petitioner No.2).

It is submitted by learned counsel for the petitioners that admittedly only 3-4 persons were present and hence no case under Sections 399 and 402 of the IPC is made out and there is no recovery from the petitioners and the petitioners have no criminal antecedents as stated in paragraph-3 of the petition.

In view of the above facts, it is a case for consideration of regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Rajpur P.S.Case No. 11/16, pending in the court of learned A.C.J.M,-VII, Buxar.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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