

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51189 of 2016

Arising Out of PS.Case No. -444 Year- 2016 Thana -MARHAURA District- SARAN

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1. Dinesh Kunwar,
 2. Ramesh Kunwar, Both are sons of Birendar Kunwar, Resident of Village- Rampur, P.S.- Marhowrah, District- Saran.
 3. Nonit Kunwar @ Navneet Kunwar, son of Sri Harendra Singh, Resident of Village- Sihauta, P.S.- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari, Advocate
For the Opposite Party/s : Mrs. Sahin Begam, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016

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

Petitioners are languishing in judicial custody since 24.09.2016 in connection with Marhowrah (Gaura O.P.) P.S. Case No. 444 of 2016 registered for the offence punishable under Sections 25(1-b) A, 26/35 of the Arms Act, Sections 3/ 4 of the Explosive Substances Act and Sections 47/54 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case is that on tip-off, police raided the house of Birendra Kunwar and from the husk near the house seized two country made pistols, four live cartridges and two bombs as well as four litres of country made wine.



It has been submitted by the learned counsel for the petitioners that petitioner nos. 1 and 2 are sons of said Birendra Kunwar and petitioner no.3 is the son of Harendra Singh and nothing has been recovered from their conscious possession. It has further been submitted that they are on inimical terms with Mukhiya, who has implanted the aforesaid articles in the husk near the door of their house and falsely implicated these petitioners. In this connection, learned counsel for the petitioners submits that there is civil dispute between the parties for which Marhowrah (Gaura O.P.) P.S. Case No. 390 of 2016 and Marhowrah (Gaura O.P.) P.S. Case No. 358 of 2016 have also been lodged. He further submits that the house belongs to father of petitioner nos. 1 and 2 and they have no connection with the articles so seized. He further submits that the petitioners undertake not to tamper with the prosecution evidence or abscond, as they have home and hearth in the village.

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

Be that as it may, since petitioners undertake not to tamper with the prosecution evidence, 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 Additional Chief Judicial Magistrate-II, Saran in connection with Marhowrah (Gaura O.P.) P.S. Case No. 444 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the said police station and subject to further condition that petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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