

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12622 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -GUTHNI District- SIWAN

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Brij Tiwari @ Umesh Tiwari, Son of Jagarnath Tiwari, Resident of Village
- Kharkharia, P.S. - Guthani, District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rana Vikram Singh, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-04-2017 Heard both sides.

The petitioner seeks bail in Guthani P.S. Case No. 83 of
2016, registered for the offences punishable under Sections 25(1-
A) (1-B), 26/35 of the Arms Act.

The informant alleged that Tribhuwan Tiwary and other
criminals have taken shelter in the house of the petitioner. On such
information, a raid was conducted whereupon the criminals made
indiscriminate firing on the police personnel but they were
arrested and some persons managed to flee away. From possession
of Tribhuwan Tiwary AK-47 with cartridges were recovered.
From the possession of other accused persons also some arms and
ammunitions were recovered.

Learned counsel for the petitioner submits that the



petitioner was not apprehended on the spot and nothing has been recovered from possession of the petitioner. The petitioner has got no criminal antecedent and for the same occurrence two criminal cases were registered. One is the present case i.e. Guthani P.S. Case No. 83 of 2016 and another is Guthani P.S. Case No. 82 of 2016 under Sections 307, 353 and 35 of the Indian Penal Code.

Considering the facts aforesaid and the fact that the petitioner was not apprehended on the spot and nothing has been recovered from the possession of the petitioner and the petitioner is in jail since 26.10.2016, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1st, Siwan in Guthani P.S. Case No. 83 of 2016.

(Prabhat Kumar Jha, J.)

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