

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24912 of 2017

Arising Out of PS.Case No. -155 Year- 2016 Thana -MADANPURA District- AURANGABAD
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1. Ram Pravesh Yadav, son of Late Rajeshwar Yadav,
2. Vishun Deo Mistri, son of Late Juthi Mistri @ Dukhi Mistri. Both resident of Village- Raja Bigha, P.S.- Salaiya, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-08-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 30.11.2016 in connection with Madanpur P.S. Case No. 155 of 2016 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 17 of the C.L.A. Act.

The prosecution case, as lodged by the police personnel, is that on a secret information that the zonal commander and sub-zonal commander of the MCC have assembled at village Vilaspur with arms, the police raided the village and apprehended the petitioners and from the possession of petitioner no.1 one country made pistol and five live cartridges



and from the possession of petitioner no.2 one country made pistol with three live cartridges and mobiles were recovered.

It is submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case because of the criminal antecedent against them. He submits that all the witnesses are police personnel and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that as many as 40 cases apart from the present case are pending against petitioner no.1 and 12 cases are pending against petitioner no.2 and most of them are of similar nature.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty five thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 155 of 2016, subject to the condition that both the



bailors would be close relative of the petitioners having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioners and that petitioners will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

It is further made clear that if the petitioners tamper or induce the witnesses or indulge in an offence of similar nature, the prosecution will be at liberty to move before the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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