

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54126 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -MOHAMMADPUR District- GOPALGANJ

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1. Birendra Mahto S/o late Chandrika Mahto
2. Surendra Mahto S/o late Chandrika Mahto
Both are Resident of Village- Dumariya, P.S. Mahmampur, Distt.
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Mohamampur
P.S. Case No. 79/2017 for offences punishable under Sections
25(1-b) a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during course of vehicle checking he received
information that the petitioners, who are of criminal nature, have
kept some illegal arms in their house. The house was raided and
from a box one country-made rifle was recovered, for which they
did not produce any paper. Accordingly, a seizure-list was



prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and nothing has been recovered from their conscious possession. He submits that the said country-made rifle has been implanted by one Dhruv Mahto, with whom they are on inimical terms, charge-sheet has already been submitted and petitioners are languishing in judicial custody since 28.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the said weapon was recovered from the house of the petitioners.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Mohamadpur P.S. Case No. 79/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioners.

- (ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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