

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55401 of 2016

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

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1. Rajesh Pathak, son of Rameshwar Pathak,
2. Rameshwar Pathak @ Ramashanker Pathak son of Late Gajadhar Pathak,
Resident of Village- Harpur, P.S.- Mairwa, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-03-2017 Heard both sides.

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

The informant alleged that he went to raid the house of Brij Tiwari @ Umesh Tiwary. When the police approached near the house of Brij Tiwari @ Umesh Tiwary, indiscriminate firing was made from inside the house. The Police somehow entered into the house and arrested five accused persons. From the possession of Tribhuwan Tiwari, Lucky Tiwari, Jitesh Tiwari different arms and ammunitions including AK-47 rifle were recovered. The petitioners were also arrested inside the house.



It is submitted that nothing has been recovered from the possession of the petitioners. Petitioners are in jail since 31.07.2016. Guthani P.S. Case No. 82/2016 was also registered under Sections 307, 353 and 35 of the Indian Penal Code and Section 27 of the Arms Act in which the petitioners have already been enlarged on bail vide order dated 13.02.2017 passed in Cr. Misc. 55262/2016.

Considering the facts aforesaid and the fact that nothing has been recovered from the possession of the petitioners although the petitioners were also recovered from the same house from where three other accused persons were apprehended from whose possession prohibited arms and ammunitions were recovered, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 83/2016.

(Prabhat Kumar Jha, J.)

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