

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26299 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -NAWADA District- NAWADA

- =====
1. Rajendra Chaudhary @ Naga Chaudhary, son of Lakhan Choudhary, resident of village Gosaibigha, P.S. and District Nawada
 2. Manoj Kumar, son of Late Ashok Singh, resident of Village Murzapur Nawada, P.S. & District Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in custody since

10.02.2017 in connection with Nawada Town P.S. Case No.

03/17 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 raid one Rajesh Kumar Choudhary

was arrested and on interrogation he confessed his guilt and

involvement of the petitioners and other companions and from

the house of one Kunal Kumar, three country-made loaded

pistol and 11 live cartridges were recovered.

It has been submitted by the learned counsel



for the petitioners that they are innocent, nothing has been recovered from the conscious possession of the petitioners and it is only on the basis of the confessional statement of the co-accused before the police, which has no evidentiary value in the eye of law, that the name of the petitioner surfaced. He submits that one of the co-accused, named by Rajesh Kumar Choudhary, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 23724 of 2017 on 23.05.2017 and that no overt act has been committed by the petitioners.

However, learned APP for the State submits that the petitioners' name surfaced during investigation, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, 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 learned Chief Judicial Magistrate, Nawada, in connection with Nawada Town P.S. Case No. 03/17, subject to the condition that one of the bailors in case of each of the petitioner, would be a close relative of the petitioners, who would have sufficient immovable property within the



jurisdiction of the concerned police station and will file an affidavit showing his relationship with the petitioners.

(Nilu Agrawal, J)

Rajesh/-

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