

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39682 of 2017

Arising Out of PS.Case No. -187 Year- 2017 Thana -KUDHNI District- MUZAFFARPUR

- =====
1. Rahul Kumar, son of Ram Naresh Mishra.
 2. Birendra Mishra, son of Nagendra Mishra.
- Both resident of village Garahua, P.S. Kudhani, District Muzaffarpur.
.... Petitioners.

Versus

The State of Bihar
..... Opposite Party.

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani
For the Opposite Party/s : Mr. Narendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 19-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in Kudhani P.S. Case No.
187 of 2017 registered under Section 216 A of the Indian Penal
Code and Section 25 (1-A), 25 (1-AA), 25 (1-b)a, 26 (ii) and 35 of
the Arms Act.

As per the prosecution case, one country made
loaded pistol and live cartridge was recovered from the possession
of petitioner no.1-Rahul Kumar while one country made pistol and
four live cartridges were recovered from the possession of
petitioner no.2-Birendra Mishra.

It is submitted by learned counsel for the petitioners
that nothing incriminating article has been recovered from the
conscious physical possession of the petitioners and they have



been falsely implicated in this case.

On the other hand, learned A.P.P., vehemently opposing the prayer of bail, has submitted that in view of recovery of arms and ammunitions from their possession, they are not entitled for privilege of bail.

In the facts and circumstances of case and in view of recovery made from the possession of the petitioners, I am not inclined to grant privilege of bail to them. However, the learned court below is directed to conclude the trial as expeditiously as possible preferably within a period of nine months from the date of receipt/production of a copy of this order before him.

Accordingly, the prayer for bail is rejected.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

