

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29991 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -KARJA District- MUZAFFARPUR

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1. Shashi Bhushan Mishra, S/o Sri Purendra Mishra, Resident of Village-
Gangawara, P.S.- Runnisaidpur, District- Sitamarhi.
2. Md. Nizam, S/o Md. Nayim, Resident of Village- Chakrawe Maniyari,
P.S.- Dhali Sakra, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-07-2017 Heard learned counsel for the petitioners.

This is an application for bail in connection with Karja P.S.Case No. 18 of 2017 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-AA), 25(1-B)(a), 26, 35 of the Arms Act and 8, 20 & 22 of N.D.P.S. Act.

Allegation against the petitioners and other accused persons is that they have been apprehended along with one Bolero vehicle and the possession of the petitioners country made loaded pistils and live cartridges were recovered and from other accused one live cartridge and 3 kg. ganja were recovered.

It has been submitted on behalf of the petitioners that



the petitioner have falsely been implicated in this case and it has further been submitted that they have filed a petition before the Chief Judicial Magistrate on 6.2.2017 also that they have been lifted from the house and thereafter the present case has been filed on 7.2.2017. Further submission is that report of Sergeant Major shows that pistol was not in workable condition and petitioners are in custody for more than five months and petitioner No.1 has criminal antecedent but petitioner No.2 has no criminal antecedent.

Heard learned APP also.

Having heard both sides and considering the aforesaid facts and circumstances, learned trial court is directed to verify the criminal antecedents of the petitioners and if there is no criminal antecedents against them, they will be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum-Special Judge, Muzaffarpur, in connection with Karja P.S.Case No. 18 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.



(ii) The petitioners will not induce any witness or tamper with the evidence.

(iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail.

(Vinod Kumar Sinha, J)

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