

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11396 of 2017

Arising Out of PS.Case No. -58 Year- 2016 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

- =====
1. Mahendra Rai Son of late Jailal Rai
 2. Satya Narayan Rai Son of Mahendra Rai Both are Resident of Village Chandpura, P.S. Raghapur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-03-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Raghapur P.S. Case No. 58 of 2016 for the offences punishable under sections 25 (1-b) a, 26 and 35 of the Arms Act.

Allegedly, from the bushes behind old house of the petitioner one country made rifle, two bullets and four cartridges of .315 bore were recovered and the petitioners succeeded in fleeing away.

Submission is of false implication and that nothing has been recovered from conscious possession of the petitioners



and without any fault they are apprehending their arrest, they have been made victim of the circumstances, any one can throw the articles behind the house in the bush and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioners by showing the alleged recovery.

In the facts and circumstances as stated above, considering the alleged recovery, I am not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Vaishali at Hajipur.

(Jitendra Mohan Sharma, J)

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