

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42042 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -HABIBPUR District- BHAGALPUR

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1. Sanni Kumar, Son of Dharmendra Yadav, R/o Village- Gosain Daspur, P.S.- Nath Nagar, District- Bhagalpur.
 2. Jyotish Kumar Son of Niranjan Kumar, R/o Village- Bisanpur, P.S.- Bihpur, District- Bhagalpur.
 3. Ravish Kumar Son of Kamal Yadav, R/o Village- Gangti, P.S.- Mujahidpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr. Sri Akbar Ali, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in judicial custody since 02.05.2017 in connection with Habibpur P.S. Case No. 26 of 2017 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 course of patrolling they apprehended three persons coming in a motorcycle. From the possession of petitioner nos. 1 and 3 one country made loaded pistol each



was recovered and from the possession of petitioner no. 2 Jyotish Kumar one live cartridge and Rs. 30000/- was recovered. Accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, the petitioner no. 1 and 2 have no criminal antecedent and petitioner no. 3 is involved in one another case except that they have no criminal antecedent and no overt act has been committed by the petitioners. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State 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 bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Bhagalpur in connection with Habibpur P.S. Case No. 26 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient



immovable property, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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