

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52749 of 2017

Arising Out of PS.Case No. -217 Year- 2017 Thana -BAUNSI District- BANKA

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1. Rahul Kumar, S/o Jai Krishna yadav @ Sudist Yadav, R/o Village- Ranipatti, P.S.- Kumarkhand, District- Madhepura At present R/o Madhepura, P.S.- Madhepura, District- madhepura.
 2. Rajesh Kumar s/o Kusheshwar Yadav, R/o Village- Parshi, P.S.- Gwalpara, District- Madhepura. Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-11-2017 Counsel for the petitioners and the State are present.

The petitioners seek bail in a case registered for the offence under sections 25(1-b)A, 26 and 35 of the Arms Act.

Acting on a tip off, police stopped a Safari vehicle in which petitioners and other accused persons were travelling. On search, country made liquor was also recovered from the vehicle for which a separate case under the Excise Act was registered. A live cartridge of .315 bore was recovered from the possession of the petitioner Rajesh Kumar.

Counsel for the petitioners submits that the allegation against them are false and apart from the aforesaid Excise case, no other case is pending against them and they are in custody since 1.9.2017.

In the facts of the case, the bail application is allowed. Let both the petitioners as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate III, Banka in Bounsi Police Station Case No.



217 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(b) The petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(c) The petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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