

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9774 of 2018

Arising Out of PS.Case No. -213 Year- 2017 Thana -BALIA District- BEGUSARAI

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1. Manoj Mahto, son of Late Mahesh Mahto, resident of village- Manserpur, Police Station- Balia in the District of Begusarai.
 2. Birendra Mahto @ Bilendra Mahto, son of Sri Suresh Mahto, resident of village- Fatehpur, P.S.- Balia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Senior Advocate
Mr. Surendra Prasad Singh, Advocate

For the State : Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioners as well as
learned A.P.P. for the State.

The petitioners, already in custody, seeks bail in connection with Balia P.S.Case No. 213 of 2017, registered under Sections 307,353/34 of the Indian Penal Code and Sections 25 (1-B) a, 26, 27 and 35 of the Arms Act.

Allegation in brief is that when the police in the Diyara area was on patrolling some unknown criminals started firing, police also opened fire and apprehended eight persons and recovered fire arms from their possession. It is alleged that from the possession of petitioner No. 1, one loaded rifle of 315 bore with ten cartridges and one Samsung mobile and from the



possession of petitioner No.2, one musket rifle and one Bindolia containing twenty live cartridges of 315 bore and one Nokia Mobile have been recovered.

Learned counsel for the petitioners submits that there are no injuries to any one and no any independent witnesses have supported the prosecution case and the police are seizure list witnesses. It is also submitted that the petitioners have no criminal antecedents and the investigation is compete. The petitioners are in custody since 03.09. 2017.

. Having considered the said facts and circumstances, let the petitioners, named above, be released 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 –IV, Begusarai in connection with Balia P.S. Case No. 213 of 2017, subject to the conditions if the petitioners are involved in similar nature of offence in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Arun Kumar, J)

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