

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67480 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- KHIRI MORE District- Patna

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1. Rinki Devi W/o Dhirendra Yadav
 2. Nagendra Yadav Son of Ramdas Yadav
 3. Ramdas Yadav Son of Late Vishwanath Yadav All are R/o Fatehpur, P.S. Khirimore, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-12-2018 A supplementary affidavit has been filed during the course of the argument. Let it be kept on the record.

The petitioners seek bail in anticipation of their arrest in connection with Khirimore P.S. Case No. 49 of 2018 dated 11.05.2018 instituted for the offences under Sections 27(1-B) a, 26, 35 of the Arms Act.

The informant, who is a Police Officer has alleged that while investigating the case relating to Khirimore P.S. Case No. 48 of 2018, he came to learn that the weapon of assault has been hidden by accused Dhirendra Yadav in his home. On such information, the house of Dhirendra Yadav was raided but none of the petitioners were found present in



that house. However, one weapon which appeared like a *Carbine* was found from the house of the aforesaid Dhirendra Yadav.

The petitioner No. 1 is the wife of aforesaid Dhirendra Yadav whereas petitioner No. 2 is his brother. The petitioner No. 3 is father of aforesaid Dhirendra Yadav.

The learned counsel for the petitioners has submitted that petitioner No. 1, for her being the wife of Dhirendra Yadav, who is in jail in connection with Khirimore P.S. Case No. 48 of 2018, has been made accused in this case. As against petitioner No. 2, there is only one case viz. Khirimore P.S. Case No. 48 of 2018 against him, which also has been lodged at the instance of his agnates because of civil dispute. So far as petitioner No. 3 is concerned, learned counsel for the petitioners has brought on record the list of cases against him. It has been submitted that all such cases have been lodged at the instance of his agnates because of civil dispute and in all such cases, petitioner No. 3 is on bail. It has further been asserted by the learned counsel for the petitioners that petitioner No. 3 is 75 years old.



Regard being had to the aforesaid facts as also taking into account that at the time of recovery, petitioners were not present in the house and that there is specific accusation in the F.I.R that the weapon of assault was hidden by Dhirendra Yadav in his house which is in the joint possession of the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, III, Danapur in connection with Khirimore P.S. Case No. 49 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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