

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41043 of 2018

Arising Out of PS. Case No.-66 Year-2018 Thana- DHURAIYA District- Banka

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1. Md. Irshad, Son of Mohd. Najruddin,
 2. Md. Gufran, Son of Md. Abdul Jabbar, Both are residents of Village- Mahila, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners seek bail in connection with Dhoraiya P.S. Case No. 66 of 2018 registered for the offence 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 vehicle checking, they intercepted a motorcycle carrying the petitioners, who tried to flee away, but were apprehended. On search, from the possession of the petitioner no. 1, one live cartridge and from the possession of petitioner no. 2, one country made pistol was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the aforesaid case. He submits that no overt act has been committed by them and they are languishing in judicial custody since 02.04.2018 and are ready to co-operate in the investigation and would not tamper with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Banka in connection with Dhoraiya P.S. Case No. 66 of 2018, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.
- (2) The petitioners will co-operate in the investigation and will appear before the



police/ Court as and when required and
failure to appear will entail cancellation
of their bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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