

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12719 of 2019

Arising Out of PS. Case No.-335 Year-2018 Thana- NAUGACHIA District- Bhagalpur

1. Kundan Paswan Son of Ankal Paswan
2. Govind Kumar Hari Son of Raju Hari

Both resident of Village - Naya Tola Naugachia, P.S.- Naugachia, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-07-2019 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Naugachia P.S.Case No. 335 of 2018 registered under Sections 399, 402 and 414 of the Indian Penal Code read with 25(1-b)A/26/35 of the Arms Act.

The allegation, as per the FIR, is that the police party, when reached near Zero Mile Railway Bridge, saw 8 to 10 persons present there and on chase, two persons were apprehended by the police who disclosed their names as Ragho Pandey and Devi Lal. Police recovered one loaded country made pistol from the possession of Ragho Pandey and 04 live cartridges from possession of Devi Lal. Further two motorcycles were also recovered by the police. Petitioners' names were disclosed by the apprehended accused persons before the police.



Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in this case at the instant of local enmity inasmuch as they have got no criminal antecedent. He submits that neither any firearms nor any incriminating article has been recovered from the possession of the petitioners. The motorcycles, which have been recovered by the police, also do not belong to the petitioner.

After having heard learned counsel for the parties and upon perusal of material on record and the fact that petitioners are not having any criminal antecedent and their names occurred on the basis of statement of made by co-accused before the police, I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Naugachhia in connection with Naugachia P.S. Case No. 335 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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