

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10143 of 2020

Arising Out of PS. Case No.-442 Year-2019 Thana- BRAHMPUR District- Buxar

1. Manan Tiwary, aged about 30 years, Male, S/O Harinarayan Tiwary, R/o- Village - Bishupur, P.S.- Brahmpur (Nainijore), Dist. - Buxar.
2. Munna Pandey, aged about 32 years, Male, S/O- Teju Pandey, R/o- Village - Manhuar, P.S. - Shahpur-(Karnampur O.P.), Dist.- Bhojpur (Ara.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Brahmpur (Chakki O.P.) P.S. Case No. 442 of 2019 registered for the offences punishable under Sections 353, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant Mithilesh Kumar Paswan, A.S.I. of Chakki O.P. received secret information that on Hero Splendor Motorcycle Jitendra Tiwary and Munna Pandey and Manan Tiwary on Apache Motorcycle with liquor kept in sack were coming from Koelwar Buxar Embankment and going to village Chakki. He informed to



Senior Officer and along with two Home Guards personnel departed and at about 5.30 A.M. reached at Koelwar Buxar Embankment thye saw that on two Motorcycles three pillion riders were coming from village Jawahi. When both Motorcycles came near then police tried to stop them but they stopped Motorcycle at some distance and Jitendra Tiwary left Hero Splendor Motorcycle and tried to flee away. Munna Pandey who was driving Apache Motorcycle and Manan Tiwary who was pillion rider and caught such sack by moving the Motorcycle towards back side both accused persons ousted illegal arms from their waist and with intention to kill fired upon police force and tried to flee.

Learned counsel for the petitioners submits that the F.I.R. lodged against the petitioners under Sections 353 and 307/34 of IPC and Section 27 of the Arms Act. Learned counsel for the petitioners further submits that there is no recovery from the conscious possession of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like



amount each to the satisfaction of C.J.M., Buxar in connection
with Brahmpur (Chakki OP) P.S. Case No. 442 of 2019, subject
to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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