

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35100 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

1. VIJAY SHANKAR MISHRA @ VIJAY KUMAR MISHRA,
2. Dhannu Ji Mishra,
both Sons of Basukinath Mishra, R/o Village- Barkagaon (Mansingh Patti),
P.S.- Buxar Industrial, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioners and
learned APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Sections 25(1-b)a, 26, 27, 35 of the Arms Act.



The prosecution case in brief is that one B.P. Yadav, ASI of Buxar Industrial P.S. gave his self written statement before the SHO alleging therein that on 23.07.2020 while he is on patrolling duty with police party he received a secret information regarding some dispute in going on between Jatuli Turha and Amar Nath Mishra in village-Barkagaon. On that he proceeded to village Barkagaon and when he along with police party reached on P.O. he found many people gathered here. On enquiry some persons told that Vijay Shankar Mishra and Dhanu Mishra (petitioners) fired and airing pistol and after seeing police party they were fled away with his family members. After that informant reached in the house of Amar Nath Mishra he found five persons sitting there and on search near school boundry two country made pistols and two empty cartridges have been recovered from the push situated near school boundary wall. All five persons are arrested, seizure list was prepared and FIR is registered.

Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. There is no recovery of any arms from the conscious possession of the petitioners, the police has recovered the arms near the tree of the outside boundry wall of the school. The



police was arrested the petitioners in the present case and also lodged the another case against the petitioner, which is number as P.S. Case No.127/2020. The petitioners are in custody since 25.07.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail application.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each in connection with Buxar Industrial P.S. Case No. 126/2020 to the satisfaction of the learned C.J.M., Buxar.

(Anjani Kumar Sharan, J)

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