

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1324 of 2018

Arising Out of PS. Case No.-6 Year-2008 Thana- JADIA District- Supaul

1. Kuseswar Yadav @ Kusheshwar Das Yadav, son of Late Gulai Yadav, Son of Late Gulai Yadav Resident of Village- Khunt, P.S.- Jadia, District- Supaul.
2. Raman Kumar Yadav @ Raman Yadav, Son of Kusheshwar Das Yadav @ Kuseswar Yadav Resident of Village- Khunt, P.S.- Jadia, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Murarie Narain Choudhary, Advocate
	:	Mr. Vijay Kumar, Advocate
	:	Mr. Aniket Kumar,
For the Respondent/s	:	Mr. Arun Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

6 23-01-2020 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The instant revision application has been filed challenging the order dated 27.06.2014 passed in G.R.No.166 of 2008/Trial No.155 of 2014 arising out of Jadia P.S.Case No.06 of 2008 pending in the Court of learned Additional Sessions Judge-II, Supaul.

Learned counsel for the petitioner submits that in a case under the Arms Act, the petitioners have been convicted for a period of two years and six months each and both the sentences are to run concurrently. He further submits that the petitioners have already undergone imprisonment for more than one year and, therefore, they may be released on bail.



On perusal of the record, it would reveal that the recoveries were made from a thatched house but the same was not recovered from their personal possession. It appears also that only PW-1 (Deo Narayan Yadasv) and PW-2 (Kinnu Yadav) as the seizure list witnesses have been examined and they have completely denied the recovery in their presence which belies the entire prosecution story and rendered the judgment under a cloud.

Considering the facts aforementioned, this Court finds and is of the view that the benefit of doubt can be given to the present petitioners in view of denial by the seizure list witnesses. The revision application, thus, stands allowed and the impugned order is set aside.

The petitioners are directed to be released forthwith, if not wanted in any other case.

(Anjana Mishra, J)

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