

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48953 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- BARHARIA District- Siwan

1. Irfan @ Chandu Son Of Naim Mia R/O Village- Siswa, P.S.- Barharia, Distict- Siwan
2. Dhannu Son Of Nurul Haq R/O Village- Siswa, P.S.- Barharia, Distict- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioners and
learned APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioners are apprehending their arrest in a case registered under Sections-399, 402 of the Indian Penal Code and Sections- 25(1-b)a, 26/35, 25(1-A), 26(2) of the Arms Act.

Allegedly, country-made arms and carbines as well as five bullets are recovered in this case.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Arms are said to have been recovered from



possession of the co-accused. There is no recovery of arms from possession of the petitioners. The names of the petitioners have transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 171 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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