

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39555 of 2020

Arising Out of PS. Case No.-143 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

1. PUNIT DUBEY @ SHIV KUMAR DUBEY Son of Late Rajnarayan Dubey Resident of Village - Badaki Basauli, P.S.- Industrial Area, District - Buxar.
2. Mahan Dubey @ Chandra Sekhar Dubey Son of Punit Dubey @ Shiv Kumar Dubey Resident of Village - Badaki Basauli, P.S.- Industrial Area, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ajay Kumar Thakur, Mr Shivam, Advocates
For the Opposite Party/s	:	Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Industrial Area (Buxar) Police Station (for brevity, *PS*) Case No 143 of 2020 dated 16.08.2020 instituted for the offence punishable under Sections 25 (1-b) a, 26 and 35 of Arms Act.

The prosecution case alleges that a raid was conducted at night wherein petitioner No 1 was found possessing a double barrel gun. Petitioner No 2 and one another co-accused (sons of petitioner No 1) were also concealing arms in their rooms.



Learned counsel for the petitioners submits that recovery of arms is alleged only against petitioner No 1. In respect of petitioner No 2 and one another co-accused, allegation is that they were concealing arms in their rooms. Apparently, the prosecution case is not that they were holding arms. There is land dispute between the petitioners and informant. It is this land dispute due to which the petitioners have been falsely implicated in this case in collusion with the police and under such circumstances, the petitioners are now in custody since 16.08.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in Industrial Area (Buxar) PS Case No 143 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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