

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8446 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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1. Dhanbabu Kumar, aged about 21 years, Son of Nagendra Yadav.
 2. Kameshwar Singh, aged about 22 years, Son of Baban Singh @ Sohrai Singh.

Both are resident of Village - Digha Tola, P.S. - Dhangain, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-12-2021 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Jagdishpur P.S. Case No. 191 of 2020, dated 27.07.2020, instituted for the offence under Section 25(1-b)a of the Arms Act.

Two persons, namely, Dhanraj Kumar and Saroj Singh were arrested from a tempo vehicle on the suspicion



that they were carrying firearms in the aforesaid vehicle. Two persons managed to escape from the tempo vehicle. On being asked by the aforesaid two arrested persons about the identity of those who had run away, the name of the petitioners transpired.

It has been submitted on behalf of the petitioners that there has been recovery of rifle and cartridges from the possession of the arrested accused persons, but so far as these petitioners are concerned, there is no recovery from them nor there is any indication of their being associated with aforesaid Dhanraj Kumar and Saroj Singh. It has further been submitted that they were only passengers in the said tempo vehicle and when they saw that some persons are carrying firearms in the tempo, they ran away for their lives.

It has been submitted that the offence under the Arms Act cannot be said to have been made out against the petitioners.

The petitioners do not have criminal antecedents.

Regard being had to the facts afore-stated, the



petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara or concern Court, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 191 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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