

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32086 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -DEORIYA District- MUZAFFARPUR

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1. Rakesh Thakur @ Rakesh Kumar Thakur @ Shankar Thakur @ Shankar Kumar Thakur @ Satyan Jee son of Late Ram Nath Thakur resident of village - Sine, Police Station - Belsar, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.35367 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -DEORIYA District- MUZAFFARPUR

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1. Basant Kumar S/o Late Maheshwar Bhagat r/o village- Chhajan Sangram, P.O.- Chhajan Harishankar, P.S.- Kurhani, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.38450 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -DEORIYA District- MUZAFFARPUR

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1. Rohit Sahni @ Bablu Sahni @ Gautam Sahni s/o Mosafir Sahni @ Alok Ji @ Anand Ji @ Manju Ji R/o village - Thana Bujurg, p.s. - Hajipur Sadar, District - Vaishali (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32086 of 2014)

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Sangita Sharma (App)

(In Cr.Misc. No.35367 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Harendra Pd.(App)

(In Cr.Misc. No.38450 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-12-2014

Above noted applications have arisen out of one occurrence i.e. Deoriya P.S. Case No. 30 of 2014 registered for the offences punishable under Sections 121, 121 (a), 120B , 414, 420 (b) of the Indian Penal Code, Sections 10, 11, 17, 18, 18 (A), 18 (B), 19, 20 of K. A. P. Act, Sections 25(1-b)a, 26, 35 of the Arms Act and Section 17 of C.L. A. Act as such they have been heard together and are being disposed of by this common order.

Allegedly, acting on a tip off that members of Naxali organization are assembling, the informant and other Police personnel proceeded on 13.3.2014 and then saw four persons riding on three motorcycles in suspicious condition, thereafter, they were directed to stop the motorcycle and they were caught and on search, from possession of petitioner Rohit Sahni a magazine having five live cartridges, motorcycle, several mobile phones and in his bag several mobile sets and cash Rs. 39,700/-, a forged voter I Card whereas from possession of petitioner Rakesh Thakur three live cartridges and one motorcycle and from possession of petitioner Basant Kumar one country made revolver with loaded magazine with three live cartridges and mobile phone

set were recovered for which they did not produce any paper and they confessed that they were going to attend meeting.

Submission at the bar for release of the petitioners is that they were apprehended on 13.3.2014 but the FIR has been lodged on 16.3.2014. The petitioners were kept confined in Police lock-up and thereafter they were moved from one place to another but no other incriminating article has been recovered and as such they deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the period of detention and fact that the FIR has been lodged after much delay, the petitioners Rakesh Thakur @ Rakesh Kumar Thakur @ Shankar Thakur @ Shankar Kumar Thakur @ Satyan Jee (Cr. Misc. No. 32086 of 2014), Basant Kumar (Cr. Misc. No. 35367 of 2014) and Rohit Sahni @ bablu Sahni @ Gautam Sahni (Cr. Misc. No. 38450 of 2014) are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Miss Kalpana Srivastava, J. M. Ist Class, Muzaffarpur in connection with Deoriya P.S. Case No. 30 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property

within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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