

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16258 of 2015

Arising Out of PS.Case No. -265 Year- 2013 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

1. Harendra Patel S/o Sudama Patel Resident of Village Shyampur Bhataha,
P.S. Shyampur Bhataha, District Sehohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-06-2015 The petitioner is in custody in connection with Bettiah
Mufassil P.S. Case No. 265 of 2013 for the offences punishable
under sections 25(1-D)(a)/25(1-d)(1-1), 26 and 35 of the Arms Act
Heard learned counsel for the petitioner and learned

counsel for the State.

The prosecution started on the basis of self-written statement of one S.I. Priyaranjan that on 21-4-2013 at about 7.10 A.M. he received secret information that some miscreants are sitting in white Bolero and planning to road robbery and abducting near the Barbat-Sena. He gave the information to the higher officials and constituted a team for verification. The informant along with raiding team reached near Lohai Pool and he saw a white Bolero standing beside the road . When he reached near the Bolero, two persons after opening the door of left side of vehicle started fleeing away towards north. The member of the raiding party tried to catch the suspected persons but not succeeded. It is further alleged that he along with member of the raiding party reached near the vehicle where he saw four persons were sitting in the said vehicle. On interrogation they disclosed their names and found in possession of co-accused, namely,(1) Ashok Yadav with six round revolver (2) Sanjay Patel with two live cartridge (3) Harendra Patel(petitioner) with a country-made carbine with five live cartridge(4) Kunda Kumar with a mobile phone, which were recovered. They disclosed the names of persons who fled away as Ashok Ram and Ashok Yadav, who are members of Communist Party(Maobadi).

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-4-2013. Further, it has been submitted that in respect of the alleged recovery of arms, no proper procedure whatsoever for the seizure of the arms has been followed.

On behalf of the State it has been submitted that the foreign made arm is said to have been recovered from the possession of the petitioner.

Considering the fact that the petitioner has remained in custody for the last two years, let the petitioner Harendra Patel be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Ad-hoc Additional Sessions Judge, 1st, Bettiah, West Champaran in connection with S.Tr. No. 884 of 2013 arising out of Bettiah Mufassil P.S. Case No. 265 of 2013.

(Sudhir Singh, J)

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