

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22043 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -FULKAHA District- ARRARIA

Malkhu Yadav, S/o Late Gainu Yadav, Resident of Village Panjarkatta, P.S. Narpatganj, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22534 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -FULKAHA District- ARRARIA

Dharmendra Yadav, Son of Late Tej Narayan Yadav, resident of village- Panjarkatta, Police Station- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.29684 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -FULKAHA District- ARRARIA

Kailash Yadav @ Kalru Yadav, S/o Late Parmeshwari Yadav, resident of village- Panjarkatta, P.S.- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22043 of 2015)

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. S.Eheteshmuddin(APP)

(In Cr.Misc. No.22534 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. S. Eheteshmuddin (APP)

(In Cr.Misc. No.29684 of 2015)

For the Petitioner/ : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. M.Haque (APP)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 14-07-2015

Since all these three miscellaneous applications arise out of the same police station case, with consent of the parties, they have heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are in custody in a case registered under Sections 25(1-b)a/26(ii)/35 of the Arms Act.

The prosecution case, in brief, is that informant S.I. Arbind Kumar, S.H.O., Fulkaha Police Station recorded his self-statement alleging therein that on 22.1.2015 at 11 P.M. when he along with other police personnel reached Milky Domaria at Bajran Bali Temple, he saw three persons riding over the motorcycle coming fastly. However, seeing the police vehicle, they were got down and wanted to flee away and with the help of police party and the villagers, they were surrounded and caught and in presence of independent witness search was made. On interrogation they disclosed their names as petitioners above named. From the possession of the petitioners country made pistols and 3.15 bore live cartridge were recovered. For the recovered arms and ammunition, seizure list was prepared in presence of two independent witnesses.

It has been submitted on behalf of the petitioners that petitioners are in custody since 24.1.2015 and charge sheet has been submitted in the case. It has further been submitted that from the possession of petitioner-Malkhu Yadav, two live cartridges, from the possession of petitioner-Dharmendra Yadav, one loaded country-made pistol and from the possession

of petitioner-Kailash Yadav @ Kalru Yadav, one loaded pistol have been recovered. It is further submitted that the petitioners are in custody for the last more than six months.

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

Considering the aforesaid facts and circumstances, let all the three petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Cr.Misc. No.22043 of 2015 and Cr.Misc. No.29684 of 2015 and to the satisfaction of Shri S.K. Mishra, learned Judicial Magistrate-1st Class, Araria in Cr.Misc. No.22534 of 2015, in connection with Fulkaha P.S. Case No.04 of 2015 (G.R. No.212/15).

(Sudhir Singh, J)

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