

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42621 of 2015

Arising out of PS.Case No. -209 Year- 2015 Thana -BARAUNI District- BEGUSARAI

Sumant Kumar @ Maruti, S/o Jay Jay Ram Rai, R/o Village Matihani, Chak Punarvas, P.S. Matihani, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party : Mr. P.K.Chaurasia(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-11-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 10.06.2015 in connection with Barauni (Garhara) P.S. Case No. 209 of 2015 for the offences instituted under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that while the informant was on night patrolling duty on 08.06.2015, she came to know from the secret source that two persons were standing at *Dhala No. 6* with a Motorcycle in suspicious condition. She rushed there alongwith other police party and while she reached near the *Hanuman Mandir* of Village- Thakuri Chak, she saw it that seeing the police jeep, two persons started moving towards



north on the Motorcycle, but they have been apprehended by the police party, who have disclosed their names as Gautam Kumar and Sumant Kumar @ Maruti. In absence of the local people, search has been made in the presence of two Chaukidars. On search from Gautam Kumar, one country made loaded Katta and two cartridges of 303 and one mobile set bearing IMIE Nos. 911366651126406 and 911366651126412 and bearing SIM No. 8541078804 another number of the SIM was not disclosed by him. From the apprehended person Sumant Kumar @ Maruti, one country made pistol, five cartridges in the magazine, while from the another pocket five live cartridges in another magazine, one mobile of Micromax Company in which the IMEI No. was destroyed and SIM No. 707808429954, one motorcycle bearing No. BR-N-4991, Chassis No. MBLHA10AWDHGL03372 and Engine No.90HAI0ENDH92431 alongwith key was found, on query, no reply has been made for keeping the same. Thereafter, they have been arrested.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 10.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. One country made loaded pistol alongwith

10 live cartridges are said to have been recovered from possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Begusarai, in connection with Barauni (Garhara) P.S. Case No. 209 of 2015.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)