

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43048 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -PUSA District- SAMASTIPUR

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1. Sanjay Das Son of Late Nanki Das Resident of Village - Patepur Gopinath, P.S. - Pusa, District - Samastipur.
 2. Md. Sayum Son of Abdul Sattar Resident of Village - Mangil Mubark, P.S. - Kalyanpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-12-2015 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted under Sections 353, 307 and 400/34 of the Indian Penal Code and 25(1-b) A/26/27/35 of the Arms Act.

Allegation against the petitioners is that they were planning to do a criminal act but were caught and from their possession arms were recovered.

It has been submitted on behalf of the petitioners that they are in custody since 19.1.2015. Chargesheet has been submitted in the present case. There is no allegation of tampering of evidence against the petitioners. Petitioners have been made accused due to mistake of fact. In fact, there is no recovery of any arms from the possession of the petitioners which is evident from the seizure list itself.

On behalf of the State, it is submitted that petitioners are named in the F.I.R. and they have got as many as nine cases of

similar nature against them. From perusal of the report submitted it is evident that petitioners are not trying to delay the trial.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners, same is rejected.

Any how, the court below is directed to take all necessary steps to expedite the trial in connection with S.T. no. 303/15 arising out of Pusa P.S. Case no. 5 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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