

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44087 of 2015

Arising Out of PS.Case No. -584 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

- =====
1. Md. Jubair Alam @ Lal Babu Son of Late Md. Nijam Resident of Village- Goraul Bahadurpur, P.S.- Goraul, Dist- Vaishali at present Village- Gopalpur Gopal Sarfuddinpur, P.S. Bochahan, Dist- Muzaffarpur and
 2. Md. Kaishar @ Bhonu Son of Late Md. Jamil Akhtar, Resident of Village- Gopalpur Gopal Sarfuddinpur, P.S. Bochahan, Dist- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.45592 of 2015

Arising Out of PS.Case No. -584 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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Santosh Paswan Son of Ram Briksha Paswan resident of Sheikhpura Zeromile, P.S. Ahiyapur, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.44087 of 2015)

For the Petitioners : Mr. Hari Kishore Thakur

For the Opposite Party : Mr. Nityanand Tiwary(App)

(In Cr.Misc. No.45592 of 2015)

For the Petitioner : Mr. Archana Sinha @ Archana Shahi

For the Opposite Party : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 01-12-2015 Heard the counsel for the petitioners and counsel for the State.

The petitioners are languishing in jail since 02.08.2015

(Cr.Misc.No.44087 of 2015) and 04.07.2015 (Cr.Misc.No.45592 of 2015) in a case instituted under Sections 364(A) and 120(B) of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act in connection with Ahiyapur P.S.Case No.584 of 2015 pending in the Court of CJM, Muzaffarpur.

As per prosecution case, it is a case of snatching of mobile and also recovery of some arms from the possession of accused persons.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 02.08.2015 (Cr.Misc.No.44087 of 2015) and 04.07.2015 (Cr.Misc.No.45592 of 2015). Chargesheet has been submitted in the case. Petitioners have got no criminal antecedent. Petitioners have falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering of evidence against the petitioners. There is no direct allegation against the petitioners in respect to their participation in the alleged occurrence.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and they have been apprehended on the spot along with the victim/informant of the case by the police. The allegation is of demand of ransom for an amount of Rs.5,00000/-.

Considering the aforesaid facts and circumstances, I
am not inclined to grant bail to the above named petitioner, same
is rejected at this stage.

(Sudhir Singh, J)

B.Kr./-

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