

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39984 of 2015

Arising out of PS.Case No. -152 Year- 2015 Thana -NANHPUR District- SITAMARHI

Lal Babu Sahni, S/o Mahendra Sahni, resident of Village- Hanuman Nagar,P.S+District- Shivhar.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

with

Criminal Miscellaneous No.44846 of 2015

Arising out of PS.Case No. -152 Year- 2015 Thana -NANHPUR District- SITAMARHI

- 1. Ganpat Sahani @ Ganpat Sahni, S/O Bansi Sahani.
- 2. Jagarnath Singh @ Jagarnath Ray, S/o Narayan Singh. Both are residents of Village- Harnahi P.S. Sheohar District- Sheohar

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

(In Cr.Misc. No.39984 of 2015)

For the Petitioner : Mr. Virendra Kumar, Advocate.

For the Opposite Party : Mr. Anil Kumar Singh 1(App)

(In Cr.Misc. No.44846 of 2015)

For the Petitioners : Mr. Uday Kumar, Advocate.

For the Opposite Party : Mr. Md. Ataur Rahman (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are languishing in custody since 12.05.2015 in connection with Nanpur P.S. Case No. 152 of 2015 for the offences instituted under Sections 399, 402 of the IPC and 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on 10.05.2015 at



7.00 P.M., the informant received secret information that some miscreants have been seen in the orchard of one Chhathu Mahto. The informant and other police forces went there and saw some miscreants fleeing on which the police forces caught them on chase, who disclosed their name as Janpat Sahni, Jagannath Singh, Lalbabu Sahni, Bachu Sahni and Sanjay Sahni and on search of their body, one barrel loaded gun of 12 bore, 6 live cartridges and one mobile were recovered from possession of co-accused Ganpat Sahni, one country made loaded rifle, live cartridges of .315 bore and one mobile were recovered from possession of co-accused Jagannath Singh, one loaded country made rifle of .315 bore and two live cartridges of .315 bore and one mobile were recovered from possession of Lalbabu Sahni, 7 live cartridges of 12 bore empty cartridges and mobile were recovered from possession of accused Bachu Sahni, 5 live cartridges of .315 bore and one mobile phone were recovered from possession of Sanjay Sahni. The informant seized these articles and prepared seizure list.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 12.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioners. From possession of the petitioner Lal Babu Sahani, one loaded country made rifle alongwith two live cartridges and one mobile phone is said to have

been recovered. From possession of the petitioner Ganpat Sahani, one loaded country made rifle alongwith six cartridges and one mobile phone is said to have been recovered and from possession of the petitioner Jagarnath Singh, one loaded country made rifle alongwith two live cartridges and mobile phone is said to have been recovered. The procedure under Section 100 Cr. P.C. has not been followed in course of making search and seizure against the petitioners. The recovery has been denied by the petitioners. It is further submitted that the petitioners may be released after completion of six months in custody from 12.05.2015.

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

Considering the aforesaid facts and circumstances, it is directed that the petitioners above named may be released on bail after completion of six months in custody from 12.05.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri, Sitamarhi, in connection with Nanpur P.S. Case No. 152/2015.

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**(Sudhir Singh, J)**