

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47962 of 2014

Arising Out of PS.Case No. -182 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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Fulena Mahto son of Bino Mahto, Resident of Village- Shivajee Nagar,
Bishnupur, P.S. Town (Begusarai), District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

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CORAM: HONOURABLE SRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 03-03-2015

Heard.

The petitioner is in custody in Rosera P.S. Case No.182 of 2014 under Sections 399, 402 I.P.C. and Sections 25 (1-B) A, 26 and 35 of the Arms Act.

Submission is that the petitioner and others might not have assembled after having prepared themselves to commit dacoity. They might have assembled to commit more severe offences and as such the insertion of Sections 399 and 402 may not be appropriate. The other part of the submission was that as regards the recovery of a loaded single barrel country made gun and ammunitions, those were planted.

Regard being had to the facts and circumstances of the case and recovery of the country made gun along with

ammunitions as per the seizure memo prepared on recovery of the arms, the prayer for bail of the petitioner is dismissed.

However, if the trial of the petitioner above named is not concluded within a period of one year from the date of his remand in the above noted case, he shall be free to renew his prayer for bail before the court below itself, which shall admit the petitioner to bail on furnishing a bail bond to its own satisfaction in connection with Rosera P.S. Case No.182/2014 pending in the Court of A.C.J.M., Rosera, District-Samastipur.

(Dharnidhar Jha, J)

V.P.Sinha/-

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