

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38865 of 2015

Arising out of PS.Case No. -21 Year- 2015 Thana -SAMHO District- BEGUSARAI

Mohan Kumar, Son of Ram Gopal Singh, resident of village- Olipur, P.S. Piprariya, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.38788 of 2015

Arising out of PS.Case No. -21 Year- 2015 Thana -SAMHO District- BEGUSARAI

Balram Singh @ Balram Sharma, son of Late Harkhit Singh @ Harshit Sharma Resident of Village- Olipur, P.S.- Piparia, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.38865 of 2015)

For the Petitioner : Mr. Mukesh Kumar, Advocate.

For the Opposite Party : Mr. Madhuri Lata(App)

(In Cr.Misc. No.38788 of 2015)

For the Petitioner : Mr. Malay Kumar Choudhary, Advocate.

For the Opposite Party : Mr. U.L.Verma(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are languishing in custody since
16.05.2015 in connection with Samho P.S. Case No. 21 of 2015
for the offences instituted under Sections 414 of the IPC and

25(1-b)A and 26 of the Arms Act.



The prosecution story, in brief, is that on 15.05.2015, the informant alongwith police force proceeded for raiding accused persons, during raiding, he got secret information that accused Kamal Kishore Yadav in Town P.S. Case No. 13/2015 is about to come in the marriage celebration at the house of Binod Singh Bijuliya. On this information, he proceeded at 2.00 P.M. to that place and reached there and seeing the police jeep, two persons wanted to flee away. In the light of police jeep, one person is seen armed with weapon. On chase, both persons were apprehended by the police and they disclosed their name Balram Singh and Mohan Singh(petitioners). On search, one country made rifle and eight live cartridges containing in small bag was recovered from the possession of Balram Singh and also found five cartridges of .315 bore loaded in rifle. It is further alleged that one loaded country made rifle and eight live cartridge containing in a bag was recovered from the possession of Balram Singh (petitioner) and one country made pistol was recovered from the possession of Mohan Kumar (petitioner). The seizure list was prepared according to seizure rule and both of them have not produced valid paper regarding seized articles.

It has been submitted on behalf of the petitioners that the

petitioners are in custody since 16.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioners. Against the petitioner Mohan Kumar, there is no criminal antecedent. Against the petitioner Balram Singh, there is one case in which he is on bail. From possession of the petitioner Mohan Kumar, one country made pistol is said to have been recovered and from possession of petitioner Balram Singh, one country made rifle alongwith 30 live cartridges are said to have been recovered. It is further submitted that the petitioners may be released after completion of six months in custody from 16.05.2015.

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 may be released on bail after completion of six months in custody from 16.05.2015 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 C.J.M., Begusarai, in connection with Samho P.S. Case No. 21/2015.

U.K./-

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

(Sudhir Singh, J)