

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9447 of 2016

Arising Out of PS.Case No. -419 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

Dharmendra Kumar, Son of Karu Ram resident of Village Marsona, P.S. Ariyari District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-03-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 26.12.2015 in connection with Sheikhpura P.S. Case No. 419 of 2015 registered for the offences punishable under Sections 25(1-B)a, 26(ii), 35 of the Arms Act.

The prosecution case, as lodged by Santosh Kumar Singh, Police Inspector-cum- Officer-in-charge, Sheikhpura Police Station, in brief, is that while he along with other police officials proceeded for investigation in connection with Sheikhpura Police Station Case No. 382 of 2015, he received information that petitioner is near Matokhar Pump House. Police party went there. Petitioner seeing the



police party, started running away, but he was apprehended and on search two live cartridges of .315 bore, one Samsung mobile and one Discover motorcycle without having registration number were recovered from the petitioner. It has been further alleged that on enquiry neither any valid document has been produced nor satisfactory answer has been given for the said recovery.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has committed no offence and the motorcycle recovered is registered in the name of his brother Ishwar Kumar, as such, is not a theft article, which fact is substantiated vide Annexure-2 to the supplementary affidavit filed by the petitioner in the Court today. It has further been submitted that the mobile recovered belongs to him. Learned counsel for the petitioner further submits that petitioner has a clean history prior to the institution of this case.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs.

Ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 419 of 2015.

(Nilu Agrawal, J.)

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