

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17979 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -BANSHI District- JEHANABAD

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1. Randhir Kumar Gautam, S/o Late Shaligram Paswan R/o Village
Mugalapur, P.S Banshi, Distt.- Arwal..... .. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 24-06-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Banshi P.S.
Case No. 01 of 2016 registered for the offences punishable under
Sections 25(1-b)a,26/35 of the Arms Act.

Allegedly, from the room of the house of the petitioner two
country made carbine, two country made katta, 24 live cartridges
and five empty cartridges besides mobile were recovered.

Submission is of false implication and that nothing has
been recovered from conscious possession of the petitioner, in the
house several tenants are also residing, other co-accused who were
arrested have already been allowed bail, copy of seizure list was
not given to the petitioner and his signature was taken on plain
paper, there is no independent witness of the alleged search and

seizure, the recovery was made from open room which was under construction having no door and windows and as such the petitioner who is suffering in custody since 05.01.2016 having no criminal antecedent deserves sympathetic consideration.

Learned APP seriously opposes the prayer of bail by pointing out the alleged recovery and further that four firearms and 24 live cartridges were found to be effective.

In the facts and circumstances stated above, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, learned trial court is directed to expedite the trial and conclude the same as early as possible, preferably within four months after keeping the same on priority basis and concerned Superintendent of Police is also directed to take appropriate steps for production of the prosecution witnesses before the trial court so that the trial be concluded within time, failing which, the petitioner may be at liberty to renew his prayer of bail.

(Jitendra Mohan Sharma, J)

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