

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51432 of 2015

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1. Md. Firoz, son of Late Reyazuddin, resident of Village- Almijan Nagar,
Police Station- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.52202 of 2015

Arising Out of PS.Case No. -148 Year- 2015 Thana -BEUR District- PATNA

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1. Md. Shamshad @ Bihari @ Chhotu, S/o- Md. Islam, R/v- Naya Tola near
at Islamiya School, P.S.- Phulwarisharif, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51432 of 2015)

For the Petitioner/s : Mr. Chandra Mauli Prasad Singh

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

(In Cr.Misc. No.52202 of 2015)

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar (App)

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

ORAL ORDER

2 05-01-2016 Both the Criminal Miscellaneous arise out of the same

occurrence and as such both have been heard together and are

being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences

punishable under sections 25 (1-b) a, 26 and 35 of the Arms Act.

Allegedly, on suspicion three persons were caught by the informant and from possession of petitioner Md. Firoz a loaded country made pistol and further one live cartridge and black colour motorcycle were recovered, whereas, from possession of petitioner Md. Shamshad @ Bihari @ Chhotu one live cartridge, three iron pointed rod were recovered.

Submission is of false implication and that nothing has been recovered from possession of the petitioners and no copy of the seizure list was given to the petitioners and there is no signature of the petitioners over the seizure list and as such the so called seizure list is in utter violation of the Criminal Procedure Code and the motorcycle recovered is the purchased motorcycle of Md. Firoz and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that the petitioners by remaining in custody now has been sufficiently penalized.

In the facts and circumstances as stated above, considering detention of the petitioners now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Madhwendra Singh, J.M. 1st Class, Patna in

Beur P.S. Case No. 148 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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