

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44917 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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1. Bipin Mahto Son of Doman Mahto Resident of Village- Shivpur, Bind
Tola, P.S. Barh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ashfaq Ahmad

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

One country made musket and some cartridges are said

to have been recovered from conscious possession of the

petitioner. The informant claims in his written report that 5 to 6

persons had assembled to make commit offence and, accordingly,

the informant lodged the present case for the offences punishable

under sections 399, 400 and 402 of the Indian Penal Code and

under various sections of the Arms Act.

The first information report goes to show that the

offence under section 399 of the Indian Penal Code is not made

out. There is nothing in the written report that petitioner and his

associates had assembled to make commit the offence of dacoity and so far as recovery of firearm and cartridges from the possession of the petitioner is concerned, petitioner has sufficiently been punished by remaining in jail custody since 29.03.2016. Petitioner does not have any criminal antecedent.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Samastipur in connection with Mohiddin Nagar (Mo. Nagar) P.S.Case No. 55 of 2016.

(Hemant Kumar Srivastava, J)

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