

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25344 of 2016

Arising out of PS.Case No. -15 Year- 2016 Thana -JAMHORA District- AURANGABAD

Birendra Pandey, son of Late Ganesh Dutt Pandey, resident of Mohalla Krishna Nagar Ahari, P.S. Sadar Aurangabad, District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.27758 of 2016

Arising out of PS.Case No. -15 Year- 2016 Thana -JAMHORA District- AURANGABAD

Shashi Ranjan Sharma, Son of Sri Yamuna Sharma, resident of village - Kusmi, P.S. Pauthu, District - Aurangabad (Bihar) at Present Brahamarshi Chawk, Durga Mandir, P.S. Town, District – Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.26424 of 2016

Arising out of PS.Case No. -15 Year- 2016 Thana -JAMHORA District- AURANGABAD

Chunnu Pandey @ Kunal Pandey, Son of Late Rajendra Pandey, resident of Mohalla - Krishna Nagar Ahari, P.S. Sadar Aurangabad, District – Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.25344 of 2016)

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.

For the Opposite Party : Mr. Sri Ramchandra Sahani, A.P.P.

(In Cr.Misc. No.27758 of 2016)

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.

For the Opposite Party : Mr. Sri Lalan Kumar, A.P.P.

(In Cr.Misc. No.26424 of 2016)

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.
For the Opposite Party : Sri Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-08-2016

Heard learned senior counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 02.04.2016 in connection with Jamhore P.S. Case No. 15 of 2016 for the offences instituted under Sections 420, 467, 468, 471, 120(B) of the IPC and 25(1-B) A, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on 31.03.2016, the informant alongwith other police officials were on night patrolling duty for detecting closing of wine programmer, in the meantime, near Kashi Line Hotel, Chitragopi at NH. 98, one white colour wagon car bearing Registration No. JH-10Y-1008 tried to go rashly. On enquiry, four persons sitting in the car disclosed their names as Chunnu Pandey @ Kunal Pandey, Amit Kumar, Birendra Pandey and Shashi Ranjan Sharma. On suspicion, the vehicle was searched in presence of two independent witnesses, three DBBL gun, one single barrel gun from back seat and from dickey 300 cartridges, licence, plain licence paper two, ATM card 3, Mobile set 3, seal 4, seal pad 1, receipts, cash Rs. 9510/- were recovered and seized. They have not produced any valid papers



regarding recovered arms, cartridges and articles and disclosed that they prepared forged licence of Lucknow Arms Magistrate and purchased from Sukam Arms and Ammunitions Store, Vishakhapatnam and deal in business of arms and ammunitions. They have also stated that Bankatesh Sharma and Chhotu are also in their companion, who succeeded in fleeing away. They further disclosed that the licence and recovered arms are supplied by one Dilipan.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 02.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. The petitioners Birendra Pandey and Shashi Ranjan Sharma have got no criminal antecedent. The petitioner Chunnu Pandey @ Kunal Pandey is concerned, there are two criminal cases pending against him. They have falsely been implicated in the present case. The recovery of arms from the vehicle on which the petitioners were travelling is denied by learned counsel for the petitioners. There is no compliance of Section 100 Cr. P.C.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. The vehicle on which the petitioners were travelling, on interception, from the vehicle three

DBBL. guns, 300 live cartridges alongwith other incriminating articles are said to have been recovered.

Considering the gravity of the offence, I am not inclined to grant bail to the petitioners. The same is rejected in Jamhore P.S. Case No. 15/2016, pending in the court of the learned C.J.M. Aurangabad. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of seven months from the date of receipt/production of copy of the order.

The Superintendent of Police, Aurangabad, is also directed to ensure that all the witnesses are produced in the court on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the Superintendent of Police, Aurangabad.

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(Sudhir Singh, J)