

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21513 of 2016

Arising out of PS.Case No. -32 Year- 2016 Thana -PIRBAHOR District- PATNA

Biltu Sao @ Shatrudhan Saw, son of Late Ram Baran Sao, resident of village- Khandhi Bigha, P.S. Rahui, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

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

For the Opposite Party : Mr. Binod Kumar 2 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-07-2016 Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 31.01.2016 in connection with Pirbahore P.S. Case No. 32 of 2016 for the offences instituted under Sections 395 of the IPC and 25(1-B) A, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on the alleged date and time of occurrence, the informant was preparing the food in his kitchen. In the meantime, five miscreants came to him and pointed pistol on the informant and told that if any, make noise then he will be killed and two persons gone to the father of the informant and taped the mouth and snatched the gold chain of the father of the informant and one person given the knife blow on the



neck of the servant. In the meantime, the informant snatched the pistol from the miscreant and taken bullet from the pistol and started make a noise. On noise, all the accused tried to flee away and in course of fleeing, two miscreants were caught hold by the Mohall people and on asking he disclosed their names as mentioned in the F.I.R. and also disclosed the name who fled away from the place of occurrence and in the meantime, the police arrived and the Mohalla people handed over the petitioner alongwith arms and ammunition.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been arrested due to mistake of fact in the present case. No arms is said to have been recovered from possession of the petitioner. No looted articles are said to have been recovered from possession of the petitioner. It is further submitted that the petitioner may be released on bail after completion of one year in custody from 31.01.2016.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he was arrested on the spot.

Considering the aforesaid facts and circumstances, it is

directed that the petitioner above named, be released on bail after completion of one year in custody from 31.01.2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna, in connection with Pirbahore P.S. Case No. 32 of 2016.

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(Sudhir Singh, J)