

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30994 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -ROSERA District- SAMASTIPUR

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1. Diwakar Das S/o Banarsi Das Resident of Village- Hanuman Nagar,
Police Station- Rosera, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-399, 402 of the Indian Penal Code and under Sections-
25(i-B)A/26/35 of the Arms Act.

Only single cartridge is said to have been recovered
from conscious possession of the petitioner, when he and three
others were arrested from house of the petitioner. The petitioner
carries criminal antecedent. The present case has been lodged u/Ss
399 & 402 of the Indian Penal Code and various sections of the
Arms Act but the informant has, nowhere, claimed in his written
report that the petitioner and others had assembled to make
preparation for committing dacoity rather the informant claimed in

his written report that the petitioner and his associates had assembled to make preparation to commit serious offence. Therefore, the aforesaid claim of the petitioner does not appear to have come under the purview of Sections-399 & 402 of the Indian Penal Code.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Rosera P.S. Case No. 03 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera at Samastipur.

A.K.V./-

(Hemant Kumar Srivastava, J)

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