

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16307 of 2016

Arising Out of PS.Case No. -760 Year- 2015 Thana -KOTWALI District- PATNA

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1. Dhananjay Kumar son of Chunchun Singh, resident of village-Madhopur, P.S.- Didarganj, District- Patna.
 2. Pankaj Kumar, son of Sachita Nand Mishra, Resident of village-Bageshwari Gumti, P.S.- Delha, District- Gaya.
 3. Gopal Kumar @ Gopal Kumar Mishra son of Sachita Nand Mishra, Resident of Chor Mohalla Kachahari More, P.S.- Chatra, District- Chatra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in jail custody since 20.12.2015 in connection with Kotwali, P.S. Case No.760 of 2015 for offences punishable under sections 401, 414/34 of the Indian Penal Code and section 25(1b)a, 26 and 35 of the Arms Act.

The prosecution case is that Ramesh Prasad Singh at present Sub Inspector cum S.H.O, Kotwali, P.S. recorded his self statement on 19.12.2015 at 6.00 hours that he alongwith armed force were on night patrolling duty and when they reached at D. Arya Hotel, situated at Goriya Toli, they found



two persons walking in suspicious circumstances and seeing the police they wanted to flee away and with the help of police they were caught. On asking their names and identity they disclosed their names and also disclosed their 10 members in the gang and said that two members were staying in Hotel, D. Arya, Goriya Toli. When they reached Hotel for verification and in presence of two independent persons (named in F.I.R.) from Jakkanpur and Kankarbagh made verification of room no. 105 D. Arya Hotel and found two persons sitting in the Hotel room and seeing the police wanted to flee away and with the help of police they were caught who disclosed their name as Gopal Kumar Mishra and Sashi Singh son of Madan Singh R/o Mohalla-Bari Dariyapur, P.S.-Jamalpur, District-Munger and in their presence search of the Hotel room was made where there was many traveling bag and cash, mobiles which has been recovered from the Hotel and also recovered Deshi Katta(country made pistol) from the room of Hotel and prepared a seizure list and arrested the petitioners.

It is submitted by the learned counsel for the petitioners that they have no criminal antecedent and the petitioner no.1 and 2 on being apprehended by the police had confessed the name of other accused persons including the petitioner no.3. He further

submits that the petitioners have not been committed any overt Act and since they have already been chargesheeted there is no chance of tampering with the evidence and undertakes not to flee away.

Learned APP for the State submits that petitioners are named in the FIR and on being apprehended disclosed the names of other co-accused hence opposes the prayer for bail.

Be that as it may it is directed that the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali, P.S. Case No.760 of 2015.

(Nilu Agrawal, J)

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