

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32499 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -FESHAR District- AURANGABAD

- =====
1. Krishna Kumar, son of Brahmdeo Prasad @ Brahmdeo Prasad, resident of village Takhta Barwa, P.S. Daudpur, District Chapra (Bihar).
 2. Basant Chauhan @ Basant Naonia, son of Brahmdeo Chouhan, resident of village-Mahrajpur Mohabatpur, P.S. Sherghati, District Gaya.
- Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

02 13-07-2017

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

Petitioners seek regular bail in connection with Fesar P.S. Case No.33 of 2016, Sessions Trial No.260 of 2017/38 of 2017 registered for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Section 25 (1-B) (a), 26 & 35 of the Arms Act.

As per the prosecution case, the petitioners and other accused persons are said to have congregated for planning to commit dacoity. Petitioner no.1-Krishna Kumar was apprehended along with loaded pistol, two live cartridges and cash of Rs.9000.00 while petitioner no.2-Basant Chauhan @ Basant Nonia managed to escape from the spot.



It has been submitted by learned counsel for the petitioners that nothing incriminating article has been recovered from the conscious physical possession of the petitioners. As a matter of fact, they were proceeding to their relatives at the time of occurrence and were apprehended by the police and roped in this case showing the recovery of arms and ammunitions from the possession of petitioner no.1. Petitioner no.1 has been languishing in custody since 30.09.2016 and petitioner no.2 has been languishing in custody since 20.11.2016.

In the facts and circumstances of the case, the petitioner above named is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Aurangabad in connection with Fesar P.S. Case No.33 of 2016, Sessions Trial No.260 of 2017/38 of 2017.

(Prakash Chandra Jaiswal, J.)

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