

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63580 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -KATHIYA District- MUZAFFARPUR

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1. Pawan Kumar Sahani, Son of Rambalak Sahani, Resident of Village-Tarba Majhauilya, P.S.-Paroo, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 12-01-2018

Heard both sides.

The petitioner apprehends his arrest in Kathiya P.S. case No. 111 of 2017 for the offences punishable under Section 401 of the Indian Penal Code and under Section 25(1-B) A, 26, 35 of Arms Act.

The informant alleged that petitioner was driving a vehicle bearing registration No. NL01C-3525 and met with an accident due to rash and negligent driving. It transpired that petitioner and two other persons were moving around in the vehicle for committing some cognizable offence and the vehicle was searched and one loaded country made pistol was recovered.

The learned counsel for the petitioner submits that Subhash Paswan, informant of the present case, also lodged Kathiya P.S. case No. 110 of 2017 under section 279, 337, 338, 427 of the IPC. The police took the injured to hospital but nothing was found in the vehicle lying by the side of road. The recovery of arms and ammunition is transplanted. Had there any arms and



ammunition been recovered from the vehicle the same informant, who lodged Kathiya P.S. case No. 110 of 2017, would have shown in the seizure list the arms and ammunition recovered from the vehicle.

Considering the facts that for the same occurrence Kathiya P.S. case No. 110 of 2017 was registered but no arms and ammunition was shown to have recovered from the vehicle but later on it transpired that another case was lodged for the same incident making allegation that petitioner and others were moving around in the vehicle for committing some cognizable offence from which arms and ammunition was recovered, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Muzaffarpur in connection with Kathiya P.S. case No.111 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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