

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3769 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- ISHIPUR District- Bhagalpur

Sri Kishun Mandal @ Kishun Mandal son of Shyam Sundar Mandal, Resident
of Village-Baltikri, P.S. Ishipur-Barahat, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 17-07-2019 Heard both sides.

The petitioner apprehends his arrest in Ishipur
(Barahat) P.S. Case No.107 of 2018 registered under Sections
25(1AA) and 35 of the Arms Act.

The learned counsel for the petitioner submits that
the petitioner was arrested in Ishipur (Barahat) P.S. Case No.106
of 2018 registered under sections 376, 188, 290 and 34 of the
IPC and under section 37(c) of the Bihar Prohibition and Excise
Act as well as under sections 3/4 of the Immoral Traffic
(Prevention) Act, 1956. The police instituted a separate case
being Ishipur (Barahat) P.S. Case No.107 of 2018 under section
25(1AA) and 35 of the Arms Act but the police did not remand
the petitioner in the present case being Ishipur (Barahat) P.S.
Case No.107 of 2018.

Learned counsel for the petitioner submits that the
petitioner was enlarged on bail in Ishipur (Barahat) P.S. Case



No.106 of 2018 and now the police is running after the petitioner to arrest him and remand him in Ishipur (Barahat) P.S. Case No.107 of 2018. It is submitted that the F.I.R. of Ishipur (Barahat) P.S. Case No.107 of 2018 was sent to the court on 09.10.2018 but neither seizure list was accompanied with the F.I.R. nor any material said to have been recovered from possession of the petitioner was sent to the court. After three days of the occurrence, the S.H.O. of Ishipur (Barahat) P.S. sent the seizure list showing that the arms and ammunitions were recovered from possession of the petitioner but even then the petitioner was not remanded in Ishipur (Barahat) P.S. Case No.107 of 2018. Show-cause was asked from the S.H.O. of Ishipur (Barahat) P.S. and S.S.P., Bhagalpur. The S.S.P., Bhagalpur reported that the Investigating Officer of Ishipur (Barahat) P.S. was suspended on account of his dereliction of duty.

From perusal of records, it appears that on the date of institution of Ishipur (Barahat) P.S. Case No.106 of 2018, the petitioner was arrested and remanded in the police custody but on the same day the police is said to have recovered arms and ammunitions from possession of the petitioner at the time of arrest of the petitioner and for that the police instituted Ishipur



(Barahat) P.S. Case No.107 of 2018 but the police neither produced the petitioner in court for remand in Ishipur (Barahat) P.S. Case No.107 of 2018 nor seizure list was sent to the court on the date of arrest of the petitioner or institution of the case of Ishipur (Barahat) P.S. Case No.107 of 2018. Had any arms and ammunitions been recovered from possession of the petitioner, the seizure list would have been sent to the court on the same day along with the F.I.R. of Ishipur (Barahat) P.S. Case No.107 of 2018.

Having considered the facts aforesaid, the above named petitioner, 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 A.C.J.M. VIII, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No.107 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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