

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48713 of 2015

Arising Out of PS. Case No.-25 Year-2015 Thana- SIKRAUL District- Buxar

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1. Hareram Yadav
 2. Luxman Yadav
 3. Bharat Yadav All sons of Late Ballu Yadav, resident of Village- Renka, P.S.- Sikraul, District- Buxar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Narendra Kumar Sinha, Officer Incharge, Sikraul Buxar S/o Gopal Prasad Sinha resident of Village- Kirihindi, P.S.- Shivsagar, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar, Adv
	:	Mr.Mohit Shrivastava, Adv
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 31-07-2019

Heard learned counsel for the parties.

2. Petitioners are accused in connection with Dumraon P.S.Case No.25 of 2015. By the impugned order dated 30.06.2015 passed in the aforesaid case, the learned Judicial Magistrate-1st Class, Buxar has refused to discharge the petitioners and asked the petitioners to face trial for offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. According to FIR, the police got information that firearms are hidden in the paddy thatch of petitioner-Bharat Yadav. When the police reached the two brothers of Bharat Yadav were apprehended by the police who are also petitioners herein and



from the place of search, which was a Hut of Bharat Yadav, two Guns were recovered besides a pistol and cartridges. The seizure list reveals that the recovery was from the Hut of Bharat Yadav.

4. The prayer for discharge is only on the ground that in the second page of the FIR one sentence has been intruded stating the fact that the brothers of Bharat Yadav disclosed that Bharat Yadav also resides with them and Bharat Yadav had just left the place. Further submission is that seizure list is not signed by Bharat Yadav or any of the family members. Hence, there is non-compliance of the requirement under Section 100 Cr.P.C.

5. The aforesaid issues cannot be examined at the stage of framing of the charges. In my view also, there is sufficient material for framing of the charges. Hence, this application has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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