

In the Court of Sessions Judge, Muzaffarpur.

Siwaipatti P.S.Case No.07/2020

21.03.2020 Heard the learned Counsels for the petitioners as well as the learned Incharge P.P. for the State on the separate bail petitions of petitioners 1. Navin Kumar, 2. Bibhas Kumar @ Mintu Singh, 3. Banti Kumar, 4. Rahul Kumar and 5. Akash Kumar, who are in custody since 08.02.2020 in connection with Siwaipatti P.S.Case No.07/2020, registered u/ss 467, 468, 471, 414, 386/34 of the I.P.C., 25(1-b)a, e Arms Act, 19 U.A.P. Act and 17 C.L.A. Act.

Informant, S.H.O. of Siwaipatti P.S. has alleged in his self statement that on 06.02.2020 at about 06.00 P.M., he got secret information that Dhananjay Singh, Bibhash Kumar Singh, Ayush Raj @ Prince, Navin Kumar, Bunt Kumar, Akash Kumar and Rahul Kumar, who are active members of Azad Hind Fauz have assembled in the house of Bibhash Kumar with arms to extort levy from the different agencies. The information was flashed to higher officials and thereafter, informant alongwith other police party reached at the spot and conducted raid in the house of said Bibhash Kumar Singh. One youth was apprehended from a room, who disclosed his name as Akash Kumar and from beneath the pillow, one loaded country made pistol (Katta) and a mobile phone were recovered and accordingly, seizurelist was prepared. Akash Kumar further divulged that he with the help of his accomplices namely Prince Kumar, Navin Kumar, Rahul Kumar had committed loot in Ashirvad Finance Company on 15.10.2019. Thereafter, raid was conducted in the inner portion of house of Bibhash Kumar Singh and from the bed of Bibhash

Kumar Singh, one loaded country made pistol and from the kitchen one country made pistol were recovered. One without registration number Glamour motorbike was also recovered from there. Akash Kumar and Bibhash Kumar Singh divulged that Dhananjay Singh is the main member of Azad Hind Fauz and on their disclosure, raid was conducted in the houses of Navin Singh, Prince Kumar @ Ayush Raj, Bunty Kumar Singh, Rahul Kumar and from their possessions, loaded country made pistols, mobile phones, gun were recovered, which descriptions are mentioned in the seizurelist. Raid was also conducted in the house of Dhananjay Singh but he was found absconding. Thereafter, seizurelists were prepared regarding the recovered articles.

Learned Counsels for the petitioners have submitted that petitioners are quite innocent and they have in fact committed no offence. Nothing incriminating has been recovered from the possessions of petitioners and they have falsey been dragged in this case showing recovery of above arms. It has further been submitted on behalf of petitioners Mintu Kumar @ Bibhash Singh and Ambi Kumar @ Bunty Singh that police forcibly lifted them from their houses in the night of 3/4.02.2020 and implicated in this case. There is no independent witnesses on the seizurelists. Petitioners have got no previous criminal antecedents and they are rotting in jail for about one and half months for no fault of their own.

Learned Incharge P.P. on the other hand has opposed prayer by submitting that the petitioners are active members of some organization, who used to extort levy from the government agency. The informant in his subsequent statement and other witnesses examined during course of investigation have

supported the prosecution version. The apprehended accused persons have also confessed thier guilt in their confessional statements. Investigation remained continued.

Considering the facts stated above and nature of case, I am not inclined to enlarge the petitioners on bail and as such, their prayer for bail stands rejected.

(Dictated)

Sd/-

Sessions Judge, Muz.