

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27475 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -BELCHHI District- PATNA

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1. Rajan Prasad S/o Nawal Prasad Resident of Village Saduli Bigha, P.S. Belchhi, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015 Heard learned counsel for the petitioner and the State.

Petitioner seeks bail in a case registered under section 25(1-b)a, 26 of the Indian Penal Code.

Prosecution case is that one Pankaj Kumar Officer Incharge of Belchhi Police lodged a self written report inter-alia that on the same day at about 10.00 A.M. while he was doing daily work at the police station, the Mahal Chaukidar gave telephonic information to the effect that at village Saduli Bigha the quarrel and scuffle was going on in between Nawal Prasad and Jagdeo Yadav on the issue of flow of water in the lane there is likelihood of exchange of firing between the parties. Thereafter he went to pacify the matter he conducted search and on search

of Nawal Prasad one country made pistol was recovered from his eastern room and from the roof of his son namely Rajan Prasad, one country made pistol and four live cartridges were recovered beneath the pillow of the cot. On being asked they did not produce any paper regarding the arms.

It is submitted on behalf of the petitioner that petitioner is in custody since 18.11.2014 and charge sheet has been submitted in the case. The petitioner has no criminal antecedent. It is alleged that one country made pistol and four live cartridges were recovered from his possession but the same is denied by him. It is also submitted that the procedure of seizure has not been followed in the case.

On behalf of the State it is submitted that petitioner is named in the first information report.

Considering the aforesaid facts, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M, Barh (Patna) in Belchhi P.S. Case No. 53 of 2014.

(Sudhir Singh, J)

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