

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29722 of 2015**

Arising Out of PS.Case No. -159 Year- 2014 Thana -MALSALAMI District- PATNA

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Ganesh Prasad, Son of Late Chaturbhuj Prasad, R/o village-Mansoorganj,  
P.S.-Malsalami, District-Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. A. Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2 09-07-2015

Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner, who is in custody since 25<sup>th</sup> May,  
2014, seeks bail in connection with Malsalami P.S. Case No.  
159 of 2014 registered for the offences punishable under  
Sections 25(1-B)(a) and 26 of the Arms Act.

According to the prosecution case, one country-  
made loaded pistol is alleged to have been recovered from  
possession of the petitioner.

The prayer for bail of the petitioner was earlier  
rejected by this Court vide order dated 09.12.2014 passed in Cr.

Misc. No. 43816 of 2014 with observation that if the trial is not concluded within six months from the date of receipt/production of a copy of the order, the petitioner would be at liberty to renew his prayer for bail.

It has been contended that though the order was communicated to the court shortly after the order dated 09.12.2014 was passed but till date, only three witnesses could be examined on behalf of the prosecution. It has further been contended that the last witness was examined on behalf of the prosecution on 15<sup>th</sup> February, 2015 and, thereafter, the prosecution has failed to produce any witness.

Regard being had to the facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1<sup>st</sup> Class, Patna City, Patna in connection with Malsalami P.S. Case No. 159 of 2014.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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