

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35429 of 2015**

Arising Out of PS.Case No. -96 Year- 2015 Thana -JAMUI District- JAMUI

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1. Birendra Das @ Tamatar @ Temo son of Gobardhan Rabidas resident of  
Village- Jogachak, P.s Kouwakol, District Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Manish Kumar 2(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

3      23-11-2015      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in a case for the offences  
punishable under Sections 364,511, 120(B) of the Indian Penal  
Code and 25(1-B)A,26 and 35 of Arms Act.

Allegedly, acting on tip off the informant and other  
police personnel went there and saw some persons sitting and then  
the petitioner and others were apprehended and from the  
possession of the petitioner one country made pistol loaded with  
live cartridge, mobile having two sims were recovered and from  
other co-accused also fire arms were recovered.

Submission is of false implication, the case is actually  
under Arms Act for the alleged recovery, nothing has come for

whose kidnapping plan was being made and the petitioner by remaining in custody has been sufficiently penalized in this false case, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances, as stated above, considering the alleged recovery and the period of detention now, the petitioner, Birendra Das @ Tamatar @ Temo, 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 learned C.J.M., Jamui, in Jamui P.S. Case No. 96/2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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