

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26140 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -BUNIADGANJ District- GAYA

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Binay Kumar @ Binay Kant Prasad, son of Chandradeo Mahto, resident of
village- Khanjahanpur, P.S.- Buniyadganj, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Anusaiya Jaiswal (App)

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

4 05-01-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Buniyadganj P.S. Case No.30 of 2014 registered for the offence
punishable under Sections 25(1-b)A, 26 of the Arms Act, Section
3/5 of the Explosive Substance Act and Section 20/22 of the
Narcotic Drugs and Psychotropic Substance Act.

Allegedly, acting on a tip off a raid was conducted in
the house of the petitioner but the petitioner fled away after taking
advantage of open roof and then in presence of the female
members a search was made and two country made pistols of .315
bore with one cartridge loaded and six more live cartridges, 200
grams substance like ganja and 800 grams white colour substance

like gun powder were recovered.

Submission at the bar is that in the search –cum- seizure list case number is mentioned and further the alleged search cum seizure list was of 9.4.2014 whereas the same were produced before the learned Special Judge on 15.4.2014 after long delay and, as such, it is a case of plantation wherein the petitioner has been falsely implicated.

Learned A.P.P. is not in a position to say otherwise and he states that it is true that F.I.R. and seizure list were sent before the Special Judge on 15.4.2014 after long delay.

Be that as it may, in the facts and circumstances, as stated above, the petitioner, above named, in case of his arrest or surrender before the court below within one month from communication or production of this order shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in Buniyadganj P.S. Case No.30 of 2014 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

AnilKrSinha/-

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