

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32845 of 2015

Arising Out of PS.Case No. -112 Year- 2014 Thana -BUNIADGANJ District- GAYA

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1. DURGA KUMAR @ DURGA MAHTO @ DURGA PRASAD son of
Kailash Mahto resident of village Khajanpur , Police Station- Buniyadganj,
in the District of Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

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

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

3 09-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Buniyadganj P.S. Case No. 112 of 2014 registered for the offence
punishable under Sections 25(1-b)a, 26 of the Arms Act.

Allegedly, during search from the room of the
petitioner 2 country made Katta, 15 cartridges of point 315 bore,
one country made pistol with magazine and 5 cartridges of 7.65
mm were recovered.

Submission is of false implication due to reason that
the petitioner made complaint against the Station House Officer of
Buniyadganj Police Station before the Senior S.P., Gaya who



scolded the S.H.O. telephonically resulting the petitioner has been implicated in Nawada Muffasil P.S. Case No. 136 of 2014 and Gaya Muffasil P.S. Case No. 541 of 2014 wherein the petitioner is not named and again in this case, resulting the petitioner is suffering in custody since 24.02.2015. Copy of seizure list has not been given to the inmates of the house, the house is in joint possession, on the seizure list there is no signature of the inmates of the house, two seizure list witnesses are outsider and men of the Police, the petitioner was not present in the house and as such the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that in this case chargesheet has already been submitted and further considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Buniyadganj P.S. Case No. 112 of 2014, 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.

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(Jitendra Mohan Sharma, J)