

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40220 of 2014

Arising Out of PS.Case No. -77 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

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Bidya Nand Mukhiya, son of Ramashray Mukhiya, resident of village-
Dhoboliya, P.S. Hasanpur, District- Samastipur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sita Ram Yadav

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 13-03-2015 Heard learned counsel for the petitioner and Sri Rajesh
Kumar, learned Addl. Public Prosecutor.

The petitioner, apprehending his arrest in Hasanpur
P.S. Case No.77 of 2014 registered for the offence under Section
25(1-B)a/26 of the Arms Act, has prayed for grant of anticipatory
bail.

It was submitted by learned counsel for the petitioner
that nothing was recovered from the possession of the petitioner.
He submits that from perusal of the F.I.R. itself, it is evident that
nothing was recovered from the possession of the petitioner and
only false story was concocted by the police officer and the
present F.I.R. has been lodged. In the F.I.R. itself, the informant
had disclosed that at 3.00 P.M., while he along with police
constables was on patrolling duty, it was informed that some

altercation was going on at the door of Makeshwar Ram. When the police party arrived, while fleeing having seen the police, one pistol was dropped from the possession of the petitioner, which was recovered. Learned counsel for the petitioner, by way of referring to Annexure-3 to the supplementary affidavit, submits that on the same day at about 2.00 P.M. on the basis of written complaint by Makeshwar Ram, an F.I.R. was lodged against the petitioner and others, so that there was no question for presence of the petitioner at the place of occurrence, which had taken place at the door of Makeshwar Ram.

Be that as it may, considering the facts and circumstances, let the petitioner, namely, Bidya Nand Mukhiya, be enlarged on bail, in the event of his arrest or surrender within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri K.Kumar, learned J.M., Rosera, District-Samastipur in connection with Hasanpur P.S. Case No.77 of 2014 subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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