

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52080 of 2015

Arising Out of PS.Case No. -155 Year- 2015 Thana -AKBARPUR District- NAWADA

=====

Tuntun Yadav son of Kuldip Yadav, resident of village- Jalalpur, P.S.
Akbarpur, Dist- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-12-2015 Heard Sri Gauri Shankar Prasad, learned counsel for

the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in Akbarpur P.S.
Case no.155/15 registered for the offence under Sections 25(1-b)
A, 26 of the Arms Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that one loaded country made pistol and one live cartridge were
recovered from the possession of the petitioner. Learned counsel
for the petitioner submits that the petitioner has falsely been
implicated in this case and he is in custody for about five months.

Learned Addl. Public Prosecutor has opposed the
prayer for bail of the petitioner. He submits that it is true that the
petitioner is in custody for about five months but fact remains that

the trial has already commenced and at least one of the witnesses has already been examined

In view of the facts and circumstances, particularly the fact that trial has already commenced, the Court considers that it is not a fit case for grant of bail. Accordingly, the prayer for bail of the petitioner is rejected. However, it is made clear that if within two months from the date of receipt/production of copy of this order, the trial is not concluded, the petitioner would be at liberty to renew his prayer for bail. The prosecution is directed to ensure production of witnesses before the court below.

Let a copy of this order be sent to the concerned Superintendent of Police.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--