

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4566 of 2016

Arising Out of PS.Case No. -357 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Binod Kushwaha son of Rambachan Kushwaha Resident of Village-
Amwadigar, P.S.- Barwapatti, District- Kushinagar (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Ashraf Ansari(App)

=====

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

3 29-03-2016

Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Bagaha P.S.
Case No. 357 of 2015 registered for the offences punishable under
Section 414 of the Indian Penal Code and Sections 25(1-B)A, 26 and
35 of the Arms Act.

Allegedly, from possession of the petitioner, one pistol,
two mobiles and one money bag containing driving licence were
recovered whereas from possession of the co-accused Tarjan Kumar,
motor-cycle and cash of Rs. 1150/- were recovered.

Submission is of false implication and that the
petitioner is suffering in custody since 29.08.2015, from
possession of the petitioner, two mobiles and money bag were
recovered which are of the petitioner, he has been made victim
of the circumstances, no cartridge was recovered and as such

the said pistol was of no use and now, the petitioner by remaining in custody has been sufficiently penalized, to which the learned APP opposes.

In the facts and circumstances stated above, considering the period of detention, now, 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 Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 357 of 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)

ajaypd./-

U		T	
---	--	---	--