

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9360 of 2016

Arising Out of PS.Case No. -335 Year- 2015 Thana -SHRIKRISHNAPURI District- PATNA

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Krishna Sahani @ Bhagelu Bind @ Bhagor Bin Son of Sharda Nand
Sahani@Jhabbar Bind Resident of Village Chaghat, p.s Bihiya Bhojpur
A/p Sachivalaya Machli Gali P.s Sachivalaya District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Advocate.

For the Opposite Party : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is in judicial custody since 20.09.2015 for
offences alleged under Sections 25 (1-b)A/26 of the Arms Act in
connection with Sri Krishnapuri P.S.Case No.335 of 2015.

The prosecution case in nut shell is that during the last
assembly election the informant was engaged in apprehending the
accused persons involved in different types of crimes with other
police personnel of Rajapur Pul, during which he found one
person moving in suspicious condition and was trying to run away
from police personnel but was detained and on enquiry he
disclosed his identity. The crowd had also assembled. Thereafter
he was searched in presence of two independent witnesses and

from his possession one country made pistol loaded with two live cartridges in the magazine was recovered and the same was seized and seizure list in respect thereof was prepared upon which witnesses appended their signatures and copy thereof was supplied to the petitioner after obtaining signature.

It has been submitted that the petitioner has not committed any offence. It has further been submitted that the seizure is on 19.09.2015 at 19.15 and FIR has been lodged at 19.30 but the seizure list contains the number of police station case which raises doubt and suspicion. It has also been submitted that no statement of the seizure witnesses under Section 161 Cr.P.C. has been recorded.

However, the learned APP opposes the prayer for bail.

Be that as it may, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Kushboo Srivastava, Judicial Magistrate, Ist Class, Patna in connection with Sri Krishnapuri P.S. Case No.335 of 2015 subject to the following conditions:-

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will not indulge in similar or in any other offence.
- (iii) The petitioner will be well represented in the Court.

(iv)

In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

B.Kr./-

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