

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35411 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -PARWATTA District- KHAGARIA

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Shankar Das son of Mahesh Das @ Naresh Das resident of Village-
Kolvara, P.s. Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Sri Zainul Abedin

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

3 15-12-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 25 (1-B) a, 26 and 35 of the Arms Act.

Allegedly, after search from possession of the
petitioner one country made pistol loaded with one cartridge and
other two live cartridges and mobile were recovered.

Submission is of false implication and that nothing
has been recovered from conscious possession of the petitioner,
the petitioner has been made victim of the circumstances and he
has been made victim of the police atrocity, the alleged search and
seizure has not been made in accordance with the mandatory
provision of law, there is no material against the petitioner in the



case diary, co-accused Kamli Mandal having similar allegation has been allowed bail vide Cr. Misc. No. 16499 of 2016 by order dated 26.04.2016 by another co-ordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that now considering detention of the petitioner lenient view can be taken.

In the facts and circumstances as stated above, considering the period of custody since 14.09.2015, now the petitioner is directed to 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 A.C.J.M-1st, Khagaria in Parbatta (Bharat Khand) P.S. Case No. 283 of 2015/ G.R. No. 2298 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)

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