

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42972 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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Chandan Kumar @ Tuntun, son of Ram Pravesh Mahto, Resident of
Village-Bari-Gharyari, P.S.-Sarmera, District-Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-10-2016

Heard Sri Pramod Kumar Sinha, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since
18.07.2016 in Sarmera P.S. Case No.79 of 2016 registered for the
offence under Sections 25(1-b) a/26/35 of the Arms Act, has
prayed for grant of bail.

It was submitted by learned counsel for the
petitioner that due to village politics, the petitioner has falsely
been implicated. He submits that since the petitioner was not
doing any work in favour of one of influential candidate for
Mukhiya, the petitioner was victimized on false accusation of
recovery of country-made pistol and cartridges. While the
petitioner was sleeping along with his father both were arrested.

He submits that father of the petitioner was granted bail by the court below. He submits that the accusation in the F.I.R. appears to be false on the ground that it was shown recovery of about 45 cartridges besides loaded pistol from one pocket of the trouser of the petitioner. He submits that it is difficult to appreciate that a man, while sleeping, can keep 45 cartridges in his pocket and one loaded country-made pistol. By way of referring to the statement made in paragraph-3 of the petition, learned counsel for the petitioner submits that the petitioner is having clean antecedent.

Keeping in view the nature of accusation, clean antecedent of the petitioner as well as period of custody, let the petitioner, namely, Chandan Kumar @ Tuntun 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 learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No.79 of 2016.

(Rakesh Kumar, J)

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