

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44814 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -MOJAHIDPUR District- BHAGALPUR

1. Rohit Kumar Gupta @ Priyadarshan Kumar son of Dharendra Prasad Gupta resident of village - Janki Nagar, Police Station - Naya Ram Nagar, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 20-10-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Sections-25(1)(a)(1-B)(a)(c), 26, 29, 35 of the Arms Act.

Petitioner is named in the first information report but according to prosecution case itself, name of the petitioner was disclosed by those co-accused, who were apprehended with fire-arms and it is alleged that the petitioner managed to escape from the place of occurrence. However, it would appear from perusal of the impugned order that learned Additional Sessions Judge, Bhagalpur committed error of record while observing that so many illegal arms and ammunitions were recovered from possession of the petitioner because according to prosecution case itself,

petitioner was neither caught on the spot nor anything was recovered from his conscious possession.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mojahidpur P.S. Case No. 94 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur.

(Hemant Kumar Srivastava, J)

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