

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3936 of 2016

Arising Out of PS.Case No. -293 Year- 2015 Thana -RIGA District- SITAMARHI

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Pawan Kumar, son of Harinarayan Mahto, resident of village - Yogiwana
Tola, P.S. Riga, District - Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Dinesh Singh(App)

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

2 12-02-2016 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 offence 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 live cartridge and one Discover motorcycle were recovered.

Submission is of false implication and that the recovered motorcycle is of the petitioner and for that the petitioner has shown all the valid paper, i.e., sell letter and insurance cover note vide Annexure-2 series, but in spite of that the petitioner has been implicated in this case after showing a recovery of one cartridge resulting the petitioner is suffering in custody since

23.11.2015, the petitioner was apprehended on 21.11.2015 and was kept confined at the police station for two days and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the petitioner is claiming the said motorcycle as of his own and, as such, the learned court below after verifying the sell letter, insurance paper and finding genuine then shall release the petitioner, above named, 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 Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No.293 of 2015, subject to the conditions that one of the bailors must be 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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