

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57821 of 2015

Arising Out of PS.Case No. -291 Year- 2015 Thana -BALIA District- BEGUSARAI

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Bambam Mishra S/o Hariballava Mishra Resident of Village - Gokhale
Nagar, Vishnupur, P.S. - Ballia, District - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

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

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

2 25-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Ballia
P.S. Case No. 291 of 2015 registered for the offences punishable
under Sections 399 and 402 of the Indian Penal Code and 25(1-
b)a, 26 and 35 of the Arms Act.

Allegedly, the petitioner and other co-accused were
caught when they were making preparation for committing the
crime and after search from possession of the petitioner one
loaded country made pistol and two live cartridges were
recovered.

Submission is of false implication and that the
petitioner has been made victim of circumstances, nothing has

been recovered from his conscious possession, the alleged search and seizure are not in accordance with the provisions of Criminal Procedure Code as such he deserves sympathetic consideration as he is suffering in custody since 06.08.2015.

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

In the facts and circumstances stated above, the petitioner is directed to be released on bail **after completion of 6 months in custody from the date of his remand** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Begusarai, in connection with Ballia P.S. Case No. 291 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)

siddharth/-

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