

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38231 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Md. Chhotu @ Md. Kalam @ Md. Kamal, son of Md. Islam, Resident of
Village- Katehar, P.S.- Surajgarha, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Opposite Party : Mr. Sri Sanjay Kumar Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-09-2016 Supplementary affidavit has been filed mentioning

therein that in para 4 of the main application, wrong facts have

been typed, the correct fact is being disclosed in the

supplementary affidavit. Keep it on the record.

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with

Lakhisarai (Kabaiya) P.S Case No. 147 of 2016 registered for the

offences punishable under Sections 399/402 of the Indian Penal

Code and Section 25(1-B)A/26/35 of Arms Act.

Allegedly, from possession of the petitioner one

country made *katta* and one .315 bore cartridge were recovered.

Submission is of false implication and that nothing

has been recovered from the conscious possession of the petitioner, he has been made victim of the circumstances, petitioner is in custody since 13.03.2016. Moreover, by now remaining in custody the petitioner has been sufficiently penalized, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the detention of the petitioner now, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 147 of 2016, 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.)

Rajiv/-

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