

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38417 of 2016

Arising Out of PS.Case No. -255 Year- 2016 Thana -JAHANABAD District- JEHANABAD

Amrish Kumar, son of Achutanand Sharma, resident of Mohalla- Eastern
Gandhi Maidan, P.S- Jehanabad, Dist- Jehanabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-10-2016 Supplementary affidavit has been filed on behalf of
the petitioner annexing mental certificate of the petitioner
regarding mental illness. 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
Jehanabad P.S Case No. 255 of 2016 registered for the offence
punishable under Section 25(1-b)A, 26, 35 of Arms Act.

Allegedly, from the room of the petitioner one
automatic pistol having three live cartridges in the magazine were
recovered besides one empty magazine were recovered and for
that no paper was given by the petitioner.



Submission is of false implication and that the petitioner has been made victim of the circumstances, he is suffering from mental disease from 2010 and after some improvement he was married about one year ago, there is no issue up till now, both the sisters and their husband are very greedy person and due to marriage of petitioner they started trouble as they thought that in case of issue of petitioner they would at least not get share in the land which is acquired by mother at Naihara and they have made plan to get the petitioner implicated in the case. The seized pistol and cartridge belong to one Barun Kumar and came in the house of the petitioner and started creating trouble in the house, resulting, altercation started and thereafter, the father of the petitioner namely Achutanand, informed through his mobile to S.H.O., Jehanabad, and the aforesaid inspector informed the informant Bhavesh Prasad Chaudhary to see the matter thereafter Barun Kumar, succeeded in fleeing away and petitioner was arrested and, as such, petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that that petitioner is in custody since 27.05.2016 itself.

In the facts and circumstances stated above, petitioner shall be released on bail after completion of 6 (six)

months in custody on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned C.J.M., Jehanabad, in connection with Jehanabad P.S. Case No. 255 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.)

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