

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3472 of 2017

Arising Out of PS.Case No. -607 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Ravi Hari, Son of Ram Dayal Hari @ Ram Dayal Mehtar, Resident of
Behind Mini Market, Mohalla- Mundichak, Police Station- Kotwali
(Tilkamanjhi), District- Bhagalpur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Purushottam Kumar Das, Advocate

For the Opposite Party : Mr. Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kotwali
(Barari) P.S Case No. 607 of 2016 registered for the offences
punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

Allegedly, the Security Guard of the Jawahar Lal
Nehru Medical College, Bhagalpur produced the petitioner and co-
accused along with country made pistol before the Health
Manager Control Room and the Health Manager (informant)
produced the accused persons with country made pistol before the
police officer and accordingly the case was registered.

Submission is of false implication and that no
offence under Sections 25(1-b)a, 26 and 35 of the Arms Act is
made out, at best, it is a case under Section 37(b) of the Arms Act
for which no procedure has been followed for seizure of the arms.
The petitioner ought to have been released on his P.R. bond or



securities forthwith by S.H.O. at Police Station itself. In this case co-accused Ankaj Yadav has already been allowed bail vide Cr. Misc. No. 55383 of 2016 by order dated 23.12.2016 itself and the petitioner with similar allegation is suffering in custody.

Learned A.P.P. is not in a position to distinguish the case of the petitioner from Ankaj Yadav.

In the facts and circumstances stated above, 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 Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No. 607 of 2016 (G.R. No. 3783 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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