

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19685 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -KATHAIYA District- MUZAFFARPUR

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Chuman Pandey @ Mukteshwar Pandey Son of Sri Satya Narain Pandey,
Resident of Village- Nawalpur Police Station- Kathaiya, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 02-05-2017 Heard both sides.

The petitioner seeks bail in Kathaiya P.S. Case No. 77/2016 corresponding to Sessions Trial No. 45/17, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code and sections 25(1-A), 25(1-AA), 25(1-b)a, 26 (ii), 27 and 35 of the Arms Act.

The informant a police officer alleged that on 24.10.2016 he went to arrest the petitioner in connection with Karja P.S. Case No. 65/08 corresponding to Sessions Trial No. 955/2009, but the informant got information that some criminals were also taking shelter in the house of the petitioner. The petitioner started firing from inside the house. One loaded country-made pistol was recovered from the possession of the petitioner. On search, two country-made pistol and cartridges were recovered from the house of the petitioner.



Learned counsel for the petitioner submits that one case bearing Kathaiya P.S. Case No. 78/16 was registered under different sections of the Bihar Prohibition & Excise Act in which the petitioner has already been enlarged on bail. The petitioner was Mukhiya of Kathaiya Gram Panchayat. The police went to the house of the petitioner to arrest him in connection with Sessions Trial No. 955/2009 arising out of Karja P.S. Case No. 65/08, but the petitioner has already been acquitted in Karja P.S. Case No. 65/08 corresponding to Sessions Trial No. 127/133/2009. The case of the petitioner was separated from the case of other accused persons and petitioner is not accused in Sessions Trial No. 955/2009 arising out of Karja P.S. Case No. 65/08 as he has already been acquitted.

Considering the facts aforesaid and the fact that petitioner is in jail since 26.10.2016 and he has already remained in jail for more than 06 months, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 8th, Muzaffarpur in connection with Kathaiya P.S. Case No. 77/2016.

(Prabhat Kumar Jha, J.)

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