

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7218 of 2017

Arising Out of PS.Case No. -211 Year- 2016 Thana -KUMARGHAND District- MADHEPURA

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Mukesh Kumar, Son of Brahmdeo Yadav, Resident of Village- Sikiyahi,
P.S.- Triveniganj, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.11.2016 in connection with Kumarkhand P.S. Case No. 211
of 2016 registered for the offence punishable under Sections
147, 148, 149, 323, 427, 504 and 506 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case is that Md. Ajim along with
other miscreants variously armed came and started abusing the
informant and when Ravindra Yadav protested, all the accused
persons assaulted him and they also damaged the tempo of
Pawan Yadav. Having seen the villagers, accused persons
started fleeing away, but three of them was caught along with



fire-arms and handed over to the police, who disclosed their name as Suresh Kumar Yadav, Mukesh Kumar (petitioner) and Ganesh Kumar.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He bears no criminal history and that no case under Sections 25(1-b)a, 26 and 35 of the Arms Act is made out, as the arms and live cartridge alleged to have been found in possession of the petitioner was not recovered by the police officer, rather, the persons, who had caught the petitioner, had recovered the said items, hence, this case comes under the purview of Section 37 of the Arms Act, which is bailable. It has been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to



the satisfaction of the learned Chief Judicial Magistrate,
Madhepura in connection with Kumarkhand P.S. Case No. 211
of 2016.

(Nilu Agrawal, J.)

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