

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 13505 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -AHİYAPUR District- MUZAFFARPUR

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Mithun Kumar, S/o Rajendra Prasad @ Lal Babu Bhagat, Resident of
Village- Khemaipatti, P.S.- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sikha Roy

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 03-05-2017 Heard Ms. Sikha Roy, learned counsel for the
petitioner and Sri Rajendra Prasad Nat, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail on behalf of
the petitioner. The petitioner is in custody since 05-04-2016 in
Ahiyapur P.S. Case No. 231 of 2016 registered for offence under
Sections 341, 347, 385, 387, 307, 504, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act, 1959.

It was submitted by learned counsel for the petitioner
that in this case, one of the accused has already been granted bail
and it has further been argued that despite the fact that petitioner is
in custody since 05-04-2016, before the court below the case has
not proceeded.

In this case, by order dated 29-03-2017, a report was
called for from the court below, which has been received and kept



at flag 'C'. The report dated 6th April, 2017 suggests that the case is pending for supply of police paper. In this case, before the court below, order of cognizance was passed for offence under Sections 341, 447, 385, 387, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959. Meaning thereby that cognizance has not been taken under Section 307 of the Indian Penal Code.

Sri Rajendra Prasad Nat, learned Addl. Public Prosecutor has opposed the prayer for bail.

However, considering the fact that the case is triable by the Magistrate and case is pending only for supply of police paper, there is no reason to further detain the petitioner.

Accordingly, let the petitioner namely Mithun Kumar 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 Sri Subhash Kumar Rai, Judicial Magistrate 1st Class, Muzaffarpur in connection with Ahiyapur P.S. Case No. 231 of 2016, with condition that one of the bailor must be blood relation of the petitioner.

(Rakesh Kumar, J.)

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