

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27786 of 2017

Arising Out of PS.Case No. -47 Year- 2017 Thana -MUNGER MUFFASIL District- -

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1. Shiv Nanda Prasad Yadav @ Shivrindan Prasad Yadav Son of Late Titu Yadav Resident of Village Mathar, Police Station Muffasil, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 28-06-2017 Heard both sides.

The petitioner seeks bail in Munger Muffasil P.S. case No. 47 of 2017 under Section 307 and other Sections of the Indian Penal Code and under Section 25(1-B)A, 26(i), 27/35 of the Arms Act.

The police got information that two warring groups are fighting with each other and they exchanged fire against each other. On such, the informant, a police officer, went there. It is alleged that the accused persons opened fire on the police personnel. The police apprehended the petitioner and eight others. From the possession of the petitioner arms and ammunition were recovered.



The learned counsel for the petitioner submits that petitioner has falsely been implicated in the case at the instance of his rival group. The petitioner was carrying his licensee rifle and cartridges to protect his own properties. From the seizure list and Annexure-3 it would appear that licensee rifle of the petitioner was seized. Nobody was injured in the alleged firing said to have been made by the petitioner. The petitioner is in jail since 27.02.2017. The learned court below took cognizance under Section 307 and other Sections of the IPC but did not take cognizance under Arms Act as no sanction was granted.

Considering the facts aforesaid and the fact that petitioner is in jail since about four months and nobody was injured in the incident, the above named petitioner 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 the learned Sub-divisional Judicial Magistrate, Munger in Munger Muffasil P.S. Case No. 47 of 2017.

(Prabhat Kumar Jha, J)

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