

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28724 of 2017

Arising Out of PS.Case No. -135 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Sharan Seth @ Sharan Mahto S/o- Kishun Mahto Resident of Mohalla-
Narsaliganj, P.S. Bihar Sarif, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Bihar
P.S. Case No. 135 of 2017 for an offence under section 25(1-
B)a/26 of the Arms Act.

In para-3 there is statement on affidavit that in Bihar
P.S. Case No. 107 of 2000 which was registered against unknown,
the petitioner was implicated and further he was acquitted on
23.3.2017.

From perusal of the FIR, it appears that on a secret
information, the police conducted raid and found unlicensed gun
and two live cartridges wrapped in a gunny bag kept in the drum
in the house of the petitioner.



The petitioner is in custody since 11.3.2017.

Submission on behalf of the petitioner is that nothing was recovered from the conscious possession of the petitioner which shows ownership of the gun and live cartridges.

Having regard to the fact that the gun was recovered from the house of the petitioner and not from the physical possession of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM., Nalanda at Bihar Sharif, in connection with Bihar P.S. Case No. 135 of 2017 on the condition that the petitioner will cooperate in the trial and will not, in any manner, influence the evidence or the witnesses.

(Anil Kumar Upadhyay, J)

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