

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40601 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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Kundan Kumar Jaiswal @ Kundan Kumar @ Chittu, aged about 25 years
son of Sri Bipat Prasad, Resident of Chowk Sikarpur, Nala Par, Nayee Gali,
P.S. Chawk, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 18.02.2017
in connection with Chowk P.S. Case No. 38 of 2017 for
offences punishable under Sections 25 (1-B) A/26/35 Arms
Act and 120(B), 201 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that on secret information that the petitioner who
was a dreaded criminal was found to be roaming, the police
apprehended the petitioner. On search two country made pistol



and 27 live cartridges were recovered from the house of the petitioner. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he has a criminal antecedent he has been made accused. He submits that no overt act has been alleged to have been committed by the petitioner and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that as many as 5 cases are pending against the petitioner some of similar and some of more serious nature.

Considering the facts and circumstances and the materials on record since the petitioner has been found to be in possession of huge quantity of arms and cartridges, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Chowk P.S. Case No.38 of 2017, pending in the court of learned Judicial Magistrate-1st Class, Patna City.



The application is, accordingly, rejected.

(Nilu Agrawal, J)

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