

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55712 of 2016

Arising Out of PS.Case No. -313 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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Chunchun Nishad, Son of Late Muneshwar Nishad, resident of Village-
Malhipur Bind Toli, P.S. Barauni (Chakia), District- Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Arun Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Barauni
(F.C.I.) P.S. Case No. 313 of 2016 registered for the offences
punishable under Sections 382, 411/34 of the Indian Penal Code
and Sections 25(1-B)A, 26 and 35 of the Arms Act.

Allegedly, the petitioner and other FIR named four
accused persons were arrested from the central store of Hindustan
Fertilizer Corporation Factory and from possession of the
petitioner one loaded country made pistol was recovered whereas
from possession of other co-accused other incriminating articles
were recovered as per seizure list.

Submission is of false implication and that the petitioner
has been made victim of circumstances, nothing has been



recovered from his conscious possession, there is no independent witness of the seizure list, the petitioner is suffering in custody since 19.08.2016 and as such he deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner above named **shall be released on bail after completion of six months custody from the date of his remand in this case** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Barauni (F.C.I.) P.S. Case No. 313 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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