

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29345 of 2017

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

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Girdhar Kumar son of Shivnandan Prasad Yadav @ Shivnandan Yadav
Resident of Village - Mathar, Police Station - Muffasil, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Munger Muffasil P.S.
Case No. 47 of 2017 registered under Sections 147, 148, 149, 352,
353 and 307 of the Indian Penal Code and Section 25(1-b)a, 26(i),
27 and 35 of the Arms Act.

As per prosecution case, on tip off about
congregation of criminals in Deyara, the police arrived there and
on seeing the police, the criminals started firing upon them and the
police also exchanged the firing and apprehended 9 persons out of
them including the petitioner. A loaded rifle and a gun was
recovered and seized from the possession of the petitioner.

It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent and he has committed no offence. The recovered rifle and gun from the possession of the petitioner are licensee arms hailing to his father and brother respectively. The learned lower court has also not taken cognizance under Arms Act rather under Section 307 and other sections of the Indian Penal Code. No one sustained injury in the firing. Co-accused, namely, Shiv Nandan Prasad Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.06.2017 passed in Cr. Misc. No. 27786 of 2017. The petitioner has been languishing in custody since 27.02.2017.

Considering the facts aforesaid, 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 connection with Munger Muffasil P.S. Case No. 47 of 2017.

(Prakash Chandra Jaiswal, J)

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