IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48733 of 2016

Arising Out of PS.Case No. -256 Year- 2016 Thana -DANAPUR District- PATNA

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1. Hariom Kumar S/o Tribhuwan Prasad R/o Laxmanpur, P.S.- Bihta, District- Patna, At present address-Kurmi Tola, Gavtal, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s : Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-01-2017 Heard both sides.

The petitioner seeks bail in Danapur P.S. case No. 256 of 2016 under Section 399/402 of the Indian Penal Code and under Section 25(1-B)a, 26/35 of the Arms Act.

The informant, S.H.O. of Danapur P.S., alleged that he got information that some people had assembled to commit crime and, on such, raided the place and from where the petitioner, Hariom Kumar, and other accused persons were apprehended.

The learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the case. Although, one country made pistol and a live cartridge are said to have been recovered from the possession of the petitioner

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but it is submitted that the same were transplanted by the police. Nothing has been recovered from the possession of the petitioner. The petitioner is in jail since 12.06.2016. The petitioner has already remained in jail for seven months and he has got no criminal antecedent.

Considering the fact that for recovery of one country made pistol and a live cartridge the petitioner has already remained in jail for seven months and he has got no criminal antecedent, 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 Additional Chief Judicial Magistrate, Danapur, Patna in Danapur P.S. Case No. 256 of 2016.

(Prabhat Kumar Jha, J)

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