

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31626 of 2017

Arising Out of PS.Case No. -146 Year- 2017 Thana -BARACHATTI District- GAYA

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Nitish Kumar, son of Kameshwar Das, resident of village – Ghisindi Kala,
P.s. – Barachatti, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar Roy, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
13.03.2017 in connection with Barachatti P.S. Case No. 146 of
2017 registered for the offence punishable under Section 25(1-b)a
of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on a secret tip-off that some arms are kept in the
house of one Kameshwar Das, they raided the house of said
Kameshwar Das and recovered a country made pistol from the
roof of the cowshed. Accordingly, a seizure-list was prepared and
Kameshwar Das and Lalita Devi, father and mother respectively
of the petitioner were the seizure-list witnesses.



It has been submitted by the learned counsel for the petitioner that the house belongs to the father of the petitioner, who is also a witness to the seizure-list and nothing incriminating has been recovered from the conscious possession of the petitioner to implicate him for carrying the said arms. He further submits that he bears no criminal history and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Barachatti P.S. Case No. 146 of 2017.

(Nilu Agrawal, J.)

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