

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3055 of 2017

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Tuntun Nut, Son of Yamuna Nut, Resident of vill. - Bagahi, P.S. Bihiya,
Distt. - Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-03-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code and Sections 25(1-b)A, 26, 35 of the Arms Act.

Petitioner is in jail custody for more than one year
and earlier his prayer for bail was rejected by this Court taking
note of his conduct as he could be remanded in the present case
after sixteen years of the occurrence but submission on behalf of
the petitioner is that petitioner was made accused in Koilwar P.S.
Case No. 168 of 2008 and in that case he was remanded by the
police prior to remand in the present case but police did not take
any step to get the petitioner remanded in the present case at that



time. It is further submitted that name of petitioner came in the present case in confessional statement of co-accused and as a matter of fact, petitioner was not aware about the registration of the present case. It is also submitted that so far as process of attachment is concerned, the same was done only on paper and that was not actually affected on the spot.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Rail), Bhojpur, Ara in connection with Ara Rail P.S. Case No. 05 of 2000, subject to condition that one of the sureties must be close relative of the petitioner, who shall swear an affidavit before the court below as to how is he/she is related with the petitioner.

(Hemant Kumar Srivastava, J)

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