

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35532 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Durga Das son of Late Sitaram Das Resident of Village - Mohanpur, Police
Station - Samastipur (Muffasil), District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.03.2017 in connection with Samastipur Muffasil P.S. Case No.
152 of 2017 for offences punishable under Sections 25(1-b) a, 26,
27, 35 Arms Act and Section 37 of the Bihar Prohibition and
Excise Amendment Act.

The prosecution case, as lodged by the police
personnel, is that on secret information a raid was conducted and
the petitioner was apprehended while two other accused managed
to flee away. From the possession of the petitioner two country
made pistols and seven live cartridges were recovered.
Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the seizure list witnesses have stated that the two co-accused who had fled away gave the country made pistol to the petitioner and fled away. It is further submitted that no overt act has been alleged to have been committed by the petitioner and that charge-sheet has already been submitted and that there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is earlier involved in three cases although in two cases he has been acquitted and one case has been compromised.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned 6th Additional District Judge, Samastipur in connection with Samastipur Muffasil P.S. Case No. 152 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of



the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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