

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25510 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

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Sudhir Kumar, Son of Achchelal Sharma @ Raj Kumar Thakur, R/o
village- Khajanpura, P.S. Patepur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 12-06-2017 Heard earned counsel for the petitioner and learned
APP for the State.

Petitioner is seeking regular bail in connection with Sakra P.S. (Bariyarpur O.P.) Case No. 28/2017 for the offences punishable under sections 341, 323, 364 and 34 of the Indian Penal Code and sections 25 (1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that from a bare perusal of the First Information Report it would appear that the allegation against the petitioner is that he was one of the three persons who had been sitting in the tempo in which the informant was being taken away and from his possession one country made pistol with three 9 MM cartridges were recovered.

Learned counsel submits that in the FIR itself it has come that on hulla a number of villagers assembled at the place



of occurrence and this petitioner was apprehended and the pistol and cartridges were said to have been snatched from this petitioner. Thus the submission is that the story of recovery of pistol and cartridges from the possession of the petitioner is not correct. Petitioner is in jail since 12.02.2017.

Learned APP for the State opposed the prayer for regular bail of the petitioner and submitted that the petitioner was one of the persons who was taking away the informant on the strength of his pistol.

In the facts and circumstances stated hereinabove considering that there is no allegation of causing any injury or firing and that the petitioner is said to have been apprehended by the villagers as also considering the custody, let the petitioner, namely Sudhir Kumar be released 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-Judge XIII cum-A.C.J.M., Muzaffarpur in Sakra P.S. (Bariyarpur O.P.) Case No. 28/2017.

(Rajeev Ranjan Prasad, J.)

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