

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36820 of 2017

Arising Out of PS.Case No. -140 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Rahul Kumar Son of Vijay Prasad, R/o Village- Minapur Turki, P.S.-
Minapur, District- Muzaffarpur, at present R/o Mohalla- Zeromile
Ganeshpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.03.2017 in connection with Muzaffarpur Town P.S. Case No.
140 of 2017 registered for the offence punishable under Sections
467, 468, 420, 414 and 401/34 of the Indian Penal Code and
Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police, is that
while they were on patrolling duty, petitioner along with two
others was apprehended. From the possession of the petitioner a
mobile phone was recovered and Arvind Kumar was found in
possession of a country made pistol with live cartridges. On



interrogation, petitioner and that co-accused revealed the name of Mani Bhushan Thakur to be the owner of the motorcycle and confessed that it was stolen one.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing incriminating has been recovered from his possession and no overt act has been alleged to have been committed by him. He submits that provisions of Arms act is not applicable against him and one of the co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 32832 of 2017 on 20.07.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 140 of 2017,



subject to the condition that one of the bailors would be a close relative of the petitioner and that if, in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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