

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.31313 of 2017**

Arising Out of PS.Case No. -37 Year- 2017 Thana -PHULWARIA District- BEGUSARAI

=====

**BRAJESH KUMAR @ BIJESH KUMAR @ BRIJESH KUMAR**

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Abhay Kumar – 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      07-07-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since 03.04.2017  
in connection with Fulwaria P.S. Case No. 37 of 2017 for the  
offences instituted under Sections 399, 402 of the IPC., 25(1-b)a,  
26, 35 of the Arms Act and 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that on secret  
information, the informant apprehended three persons, Neeraj  
Kumar, Sumit Kumar and Anuj Mahto and on search, some arms  
and ammunition were recovered from possession of them. The  
police also recovered prohibited foreign liquor alongwith glass,  
water bottle, ornament and cash. The apprehended persons have  
also disclosed the name of the persons who were succeeded in



fleeing away as Gautam, Santosh and Brajesh.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.04.2017 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has falsely been implicated in the present case. 550 ML of foreign liquor and some arms and ammunition are said to have been recovered. The petitioner was not apprehended on the spot. The name of the petitioner has come on disclosure made by the co-accused. No incriminating article is said to have been recovered from conscious possession of the petitioner. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 Special Judge-cum-Additional Sessions Judge-7<sup>th</sup>, Begusarai, in connection with Fulwaria P.S. Case No. 37/2017.

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**(Sudhir Singh, J)**

