

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40816 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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1. Madan Mukhiya Son of Munni Lal Mukhiya, R/o Village- Hathiyahi,
P.S.- Piprakothi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
04.05.2017 in connection with Fenhara P.S. Case No. 25 of
2017 for offences punishable under Sections 379, 411, 413,
414, 465, 468, 471, 474, 34 of the Indian Penal Code and
Sections 25(1-b) a/26/35 of the Arms Act.

The prosecution case, as lodged by the police
patrolling party, is that they apprehended one Arum Kumar
@ Arun Sahni and from his possession one country-made
loaded pistol was recovered, who disclosed the name of the
petitioner and one another as his accomplice, who were
engaged in loot of motorcycle. Thereafter the house of the
petitioner was raided and outside the house one motorcycle,



alleged to be stolen one, was recovered, and, accordingly, seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and confessional statement of the co-accused before the police has no evidentiary value in the eye of law. He submits that one of the co-accused has been granted privilege of bail by coordinate Bench of this Court in Cr. Misc. No. 38286 of 2017 on 16.08.2017. He further submits that arms have not been recovered, hence, provisions of Arms Act is not applicable against him.

However, learned APP for the State opposes the prayer for bail.

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 12th Addl. Chief Judicial Magistrate, East Champaran at Motihari, in connection with Fenhara P.S. Case No. 25 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner and 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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