

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42949 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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Hemant Kumar @ Badal Son of Late Sunil Thakur, R/o Village- Panapur,
P.S.- Karja, District- Muzaffarpur, Bihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 16.02.2017 in
connection with Saraiya P.S. Case No. 52/17 for the offences
instituted under Sections 399, 402, 414 of the IPC and 25(1-B)A,
26 and 35 of the Arms Act.

The prosecution story, in brief, is that on 15.02.2017,
the informant on secret information apprehended eight persons
alongwith this petitioner and some fire arms, mobile phones, bags,
cartridges were recovered from their possession and one country
made pistol and four cartridges recovered from possession of this
petitioner.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. One country made pistol alongwith cartridges are said to have been recovered from possession of this petitioner. No compliance of Section 100 Cr. P.C. has been made in the present case.

It has been submitted by learned counsel for the State 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) each with two sureties of the like amount to the satisfaction of the learned S.D.J.M. West, Muzaffarpur, in connection with Saraiya P.S. Case No. 52/17.

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(Sudhir Singh, J)

