

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31656 of 2018

Arising Out of P.S.Case No. -78 Year- 2018 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Bhatal Kushwaha S/o Raghunath Kushwaha Resident of Village - Gandhi
Nagar, P.S. Bagha, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with Bagaha
P.S.Case No.78 of 2018 registered for an offence under Sections
25(1-b),A and 26 of the Arms Act.

The informant of this case happens to be the police
officer. On a tip off, the informant along with police party
conducted raid at the house of the petitioner. The petitioner who
was trying to escape from the place of occurrence was
apprehended and on search a country made pistol and two live
cartridges were recovered from the bed of the petitioner.

It has been submitted that the petitioner is a social
worker and he has been implicated at the instance of local people
who are hostile to the petitioner. The house from where the police
allegedly seized fire arm is in possession of join family. The said



seizure was not made in presence of any independent witness rather the witnesses cited in the seizure list are police witnesses. The petitioner is in custody since 27.02.2018.

The learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner 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 ACJM, Bagaha, District-West Champaran in connection with Bagaha P.S. Case No.78 of 2018 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

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(Sanjay Kumar, J)

