

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35378 of 2018

Arising Out of PS.Case No. -69 Year- 2018 Thana -CHAUTHAM District- KHAGARIA

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1. Manish Kumar S/o Vishwanath Singh Resident of Village- Deoka, P.S. Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Chautham P.S.Case No. 69 of 2018 registered under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

It is submitted by the learned counsel for the petitioner that the petitioner has been framed by the police in the instant case only because he had made complaint against the S.H.O. and other police personnel of Chautham Police Station before the Human Rights Commission on 04.04.2018. It is further submitted that since the seized arms were produced by the private person, the offences alleged under Sections 25(1-B)(a), 26 and 35 of the Arms Act would not be made. At best, on the admitted



allegation the ingredients of the offence punishable under Section 37(b) of the Arms Act would be attracted, which is bailable in nature.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S.Case No. 69 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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