

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28749 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

1. Ram Kishore Chourasiya, Son of Late Banarsi Chourasiya, resident of Village- Narham Morcha Bagh, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Adv

For the Opposite Party/s : Mr. Sri Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 01-08-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Counter affidavit has been filed on behalf of

the I.O.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-B)/26/35 of the Arms Act.

By order dated 20.02.2018 passed in Cr.Misc.No. 1549 of 2018, prayer for bail of the petitioner was refused for the reason that the Superintendent of Police, Samastipur had reported a criminal antecedent of the petitioner and the petitioner has stated in the bail petition that he has got no criminal antecedent.

Allegation in this case is that a loaded



country made pistol and cartridges were recovered from possession of the petitioner. Petitioner is in custody since 09.08.2017.

Learned counsel for the petitioner submits that report of the Superintendent of Police is not correct. Petitioner is not an accused in any other case.

Learned counsel for the State submits that in fact there is typographical mistake in the letter bearing No.130 dated 07.02.2018 of the Superintendent of Police, Samastipur.

The concerned Superintendent of Police, Samastipur is warned to be careful in future while sending such report to this Court.

Considering the nature of allegation and period already undergone by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bibhutipur Police Station Case No.170 of 2017, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail



bond of the petitioner.

Let this order be communicated to the then Superintendent of Police, Samastipur, who had supplied wrong information.

(Birendra Kumar, J)

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