

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25919 of 2018

Arising Out of PS. Case No.-187 Year-2017 Thana- KUDHNI District- Muzaffarpur

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Birendra Mishra S/o Nagendra Mishra, R/o Vill.- Garahua, P.S.- Kudhni,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kudhni
P.S. Case no. 187 of 2017 registered under Section 216(A) of
the Indian Penal Code and Sections 25(1-A), 25(1-AA),
25(1-b)a, 26(ii) and 35 of the Arms Act.

One country made loaded pistol and one live cartridge
are said to have been recovered from the possession of one
Rahul Kumar while one country made pistol and four live
cartridges were recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has been falsely



implicated in the case at the instance of his enemy. He has no criminal antecedent. He has been languishing in custody since 12.05.2017. Earlier, the bail prayer of this petitioner was rejected vide order dated 19.08.2017 directing the learned trial court to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of the said order, but the trial has not yet been concluded.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur in connection with Kudhni P.S. Case no. 187 of 2017.

(Prakash Chandra Jaiswal, J)

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