

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11322 of 2018

Arising Out of PS. Case No.-91 Year-2017 Thana- RAJPUR District- Buxar

Mantosh Tiwary, Son of Late Lalan Tiwary, Resident of Village-Khiri, Police Station-Rajpur, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mrs. Gulnar Begam, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 03.05.2017 in connection with Rajpur P.S. Case No. 91 of 2017 registered for the offence punishable under Sections 25(1-b)a and 26 of the Arms Act.

The prosecution case, as lodged by the informant-police personnel, is that during course of vehicle checking, petitioner was apprehended and on search one country made pistol and two live cartridges were recovered from his possession. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been alleged to have been committed and Section 100 of the Cr.P.C. has not



been complied with as witnesses are police personnel. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for nearly 11 months.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him of serious nature.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Buxar in connection with Rajpur P.S. Case No. 91 of 2017.

(Nilu Agrawal, J.)

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