

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15116 of 2018

Arising Out of PS.Case No. -575 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Md. Rijwan, Son of Sudyan, Resident of Mohalla- Purani Gudari, Police Station- Town, District- Muzaffarpur, at present renter Md. Javir, Sakin Chit Bhagwatipur, Police Station- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-03-2018 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since 14.08.2017 in connection with Town P.S. Case No. 575/2017, G.R. No. 3669 of 2017 for offences punishable under Section 401 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on patrolling duty they apprehended two persons including the petitioner with a plastic bag. From the possession of the petitioner one lock cutter and one live cartridge was recovered and from the possession



of another co-accused one country-made pistol loaded with live cartridge was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed by the petitioner and even the seizure-list has not been prepared in compliance with Section 100 Cr.P.C. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for more than six months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent, although the said case is of 2008.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Muzaffarpur, in connection with Town P.S.
Case No. 575/2017, G.R. No. 3669 of 2017.

(Nilu Agrawal, J)

Rajesh/-

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