

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21249 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Santosh Kumar @ Hadi, Son of Late Raghbir Prasad, Resident of Village-
Chandwara Sada Godoam Chowk, P.S.-Town, Muzaffarpur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 399, 402 of the Indian Penal Code , Section 25(1-B)a, 26/35 of the Arms Act and Section 37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that one country made pistol with one cartridge is recovered. The accused persons were in drunken state and on chasing fled away.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Ranjit Kumar Ram. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that one country made pistol with one cartridge is recovered from co-accused Vicky Kumar and other co-accused namely Ranjit Kumar Ram was alleged to be in drunken state. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 34/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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