

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48155 of 2018

Arising Out of PS.Case No. -342 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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Umakant Ram, S/o Hari Ram, R/o Village- Semarahiya, P.S.- Banjariya,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 290, 504 and 506 of the Indian
Penal Code, Sections 25(1B)(a) and 26 of the Arms Act and
Section 37(b) of the Bihar Prohibition and Excise Act, 2016.

Petitioner is said to have pointed pistol on the
informant and he was apprehended in inebriated condition by the
grandson of the informant and from possession of the petitioner,
one country made pistol, six live cartridges, two empty cartridges
and one knife were recovered by the informant which were handed
over to the police on their arrival.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized article. He has been falsely implicated in the case by the informant by planting aforesaid recovery from his possession due to animosity. He happens to be teetotaler and never consumed liquor. Aforesaid arms and ammunitions were not seized by the police rather were produced by the informant before the police hence petitioner is entitled to be released on bail under Section 37 of the Arms Act. He has no criminal antecedent. He has been languishing in custody since 11.06.2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Additional District and Sessions judge VII cum Special Judge, Excise, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 342 of 2018.

(Prakash Chandra Jaiswal, J)

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