

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5168 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- PATNA CITY CHOWK District- Patna

Sunil Kumar @ Bhola Yadav Son of Jai Kishan @ Hanuman Yadav, Resident
of Vill-Dirapar, Mangal Talab Chowk, PS Rajekala, District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is an application for grant of regular bail filed on behalf of the petitioner. Petitioner is in custody in connection with (Patna City) Chowk PS Case No.344 of 2018 for the alleged offence punishable under Section 398 of the Indian Penal Code, Section 25(1-b)a and 26 of the Arms Act and Section 37(C) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel representing the petitioner would submit that petitioner has no criminal antecedent. In the instant case, it is alleged that one loaded pistol with two live cartridges along with one mobile phone and cash of Rs.2000/- were recovered from the possession of the petitioner and the



petitioner was found positive on breath-analyser test. Learned counsel submits that mandatory provision of Section 100, CrPC was not followed in the process of preparation of seizure list. It is further submitted that petitioner is in custody since 08.09.2018.

Considering the fact that petitioner has no criminal antecedent and he has remained in custody for nearly five months, this application is allowed. Accordingly, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in connection with Chowk PS Case No. 344 of 2018.

(Anil Kumar Upadhyay, J)

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