

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14087 of 2019**

Arising Out of P.S. Case No.-268 Year-2018 Thana- BALIYA District- Begusarai

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NIRANJAN KUMAR, Gender-Male, age-about 20 years old, S/o Ramnandan Mahto R/o Ward No. 11, Barbighi, P.O.- Husena @ Hussaina, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Advocate
		Mrs. Nirmala Kumari, Advocate
For the Opposite Party/s :		Mr.Upendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 26.09.2018 in connection with Ballia P.S.Case No.268 of 2018 for the offence alleged under Section 25(1-B)(a) & 26 of the Arms Act.

The prosecution case as lodged by the police personnel is that during patrolling duty, they found the petitioner in a suspicious condition who was apprehended and from his possession one country made pistol with four live cartridges were recovered along with a motorcycle. Accordingly, a seizure



list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been languishing in judicial custody since more than five months and chargesheet has already been submitted, there being no allegation of tamper with the prosecution evidence. He further submits that the witnesses in the seizure list are not made chargesheeted witnesses and the motorcycle recovered neither belonged to the petitioner nor was stolen one and has been in planted by the police which has come during investigation which falsifies the prosecution story.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, the period of custody and that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ballia P.S.Case No.268 of 2018 having G.R.No.4138 of 2018 to the satisfaction of Sri Ravi Ranjan, Judicial Magistrate-Ist Class, Begusarai, subject to the condition that one of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file
an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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