

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10095 of 2019

Arising Out of P.S. Case No.-489 Year-2018 Thana- ALAMGANJ District- Patna

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SURAJ KUMAR SAW, age-23 years, male, Son of Sukhlal Saw R/o - Tungi Bazar, Sec-12, Dundibagh Jhopri P.S.- City, Distt- Bokaro (Jharkhand) A/P Makhanpur, Idgah, P.S.- Alamganj, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 07.09.2018 in connection with Alamganj P.S.Case No.489 of 2018 for the offence alleged under Sections 25(1-b) and 26 of the Arms Act.

The prosecution case as lodged by the police personnel is that on information that a person is roaming in the market with weapons and is going to commit crime, the police reached the market place and apprehended the petitioner. On search, he was found with a country made pistol loaded with one live cartridge who did not produce any papers regarding



ownership of the said pistol. 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, no overt-act has been alleged to have been committed by the petitioner, chargesheet has already been submitted and the petitioner is languishing in judicial custody since more than five months.

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

Considering the facts and circumstances and the materials on record, 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 Alamganj P.S.Case No.489 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate, Patnacity, District-Patna, subject to the following conditions:-

(i) 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.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the



learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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