

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13003 of 2019

Arising Out of P.S. Case No.-483 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

OM PRAKASH GIRI (M), aged about 34 years, Son of Jagarnath Giri,
Resident of Village - Katesar, Mohanpur, P.S.- Sakra O.P., (Bariyarpur),
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
27.12.2018 in connection with Sahebganj P.S.Case No.483 of
2018 for the offence alleged under Sections 399 and 402 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms
Act.

The prosecution case as lodged by the police
personnel is that on secret information that some miscreants
have gathered to commit dacoity, the police conducted a raid
and apprehended two co-accused Abhishekh Kumar and Vishal
Kumar who disclosed that the petitioner along with co-accused
Ranjay Kumar has fled away. From the possession of the



apprehended co-accused, a country made pistol and a knife were recovered. 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, was not apprehended by the police and nothing has been recovered from his possession, hence no case under the Arms Act is made out against him. He further submits that one of the co-accused whose name was disclosed by the apprehended co-accused has since been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.9064 of 2019 dated 15.02.2019.

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

Considering the nature of allegations and that no recovery was made from the possession of the petitioner as well as the period of custody and that petitioner does not bear any criminal antecedent, 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 Sahebganj P.S.Case No.483 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-I, West, Muzaffarpur, 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)

B.Kr./-

U		T	
---	--	---	--

