

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10683 of 2019

Arising Out of PS. Case No.-936 Year-2018 Thana- MOTIPUR District- Muzaffarpur

BINAY KUMAR Son of Mohan Ray Resident of Village- Nunimal Bala
Kothi, Ward No. 11, P.S.- Rajepur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 26.10.2018 in connection with Motipur P.S. Case No. 936 of 2018 for offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that during vehicle checking the petitioner was found in a motorcycle along with two other persons and was intercepted by the police. On search from the pocket of the two co-accused country-made pistol and cartridges were recovered. From the possession of the petitioner one fused cartridge and a mobile was recovered. Accordingly, a seizure-list was prepared



along with the seized motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, no overt act has been committed by the petitioner and no pistol or live cartridge was recovered from his possession. Petitioner is languishing in judicial custody for about four months and undertakes to cooperate in the investigation.

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

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur, in connection with Motipur P.S. Case No. 936 of 2018, 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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