

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22929 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- BHAPTIAHI District- Supaul

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PRADEEP KUMAR @ LALLU, aged about 24 years (Male), S/o Bhim Raut
@ Bhim Mehtar R/o Village- Saraigarh, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
04.01.2019 in connection with Bhaptiyahi P.S.Case No.02 of
2019 for the offence alleged under Sections 25(1-b)a, and 26 of
the Arms Act.

The prosecution case as lodged by the police
personnel is that during night patrolling duty they got
information that miscreants are roaming near the hospital with
arms, the police reached the place of occurrence found only the
petitioner and apprehended him. On search from the possession
of the petitioner one pistol was 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 and
has been falsely implicated in the aforesaid case. He submits



that no overt-act has been alleged against the petitioner, no cartridge was found in the pistol and petitioner has been made accused only because of highhandedness of the police. He further submits that there is no compliance of Section 100 of the Cr.P.C. as the seizure list was not prepared at the place of occurrence but in the police station.

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

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, 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 Bhaptiyahi P.S.Case No.02 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Supaul, 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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