

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21383 of 2019

Arising Out of P.S. Case No.-770 Year-2018 Thana- DANAPUR District- Patna

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MONU KUMAR, aged about 25 years (Male), S/o Satyendra Rai Resident of
Bibiganj, Navgol, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr.Madhuri Lata, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
07.11.2018 in connection with Special Case No.10687 of 2018
arising out of Danapur P.S.Case No.770 of 2018 for the offence
alleged under Sections 25(1-B),A/26 of the Arms Act and
Section 37(c) of the Bihar Madhya Nishedh and Excise Act,
2016.

The prosecution case as lodged by the police
personnel is that on information that a person in the market in a
drunken condition is armed with pistol, the police reached the
place and apprehended the petitioner along with the pistol with
six live cartridges. On examination from the breath analyzer, the
petitioner was found to be in a drunken condition. 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 committed by the petitioner and has been falsely implicated due to dirty village politics. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since nearly five months.

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

Considering the nature of allegations, the materials on record, the period of custody as well as the fact 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 Special Case No.10687 of 2018 arising out of Danapur P.S.Case No.770 of 2018 to the satisfaction of learned Special Judge, Excise Act, 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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