

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25933 of 2019

Arising Out of PS. Case No.-814 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SHANTNU KUMAR @ SHANTU KUMAR, Male, aged about 22 years, Son
of Shri Upendra Singh Resident of Village - Balughat, P.S.- Town, District-
Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar, Adv.
For the Opposite Party : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
29.11.2018 in connection with Town P.S. Case No. 814 of 2018
for the offences alleged under Sections 25(1-b)a, 26 and 35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during raid in connection with a case of
abduction of one Md. Reyaz in Mithanpura P.S. Case No. 435 of
2018, the house of the petitioner was raided and the petitioner
along with four other co-accused were found involved in
kidnapping in the said case. On search, from one of the co-
accused, Suraj Kumar, a country made pistol loaded with 7.62
bore live cartridge was recovered. Accordingly, a seizure list
was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no arms and ammunitions has been recovered from his conscious possession and he is languishing in judicial custody since more than five months, charge sheet having been submitted, there being no allegation of tampering with the prosecution witnesses/evidence. He, further, submits that co-accused from whose possession arms and ammunitions were recovered has already been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 23526 of 2019, dated 11.04.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the nature of allegations, the period of custody and that the charge sheet has already been submitted coupled with the fact that the co-accused in whose possession arms and ammunitions were recovered has already been granted the privilege of bail, 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 Town P.S. Case No. 814 of 2018 to the



satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, or the successor Court, 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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