

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33556 of 2019

Arising Out of PS. Case No.-741 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Rajnish Kumar Rai @ Guddu Rai Son of Sital Ray Resident of Village-Purani Sarai (Rampur), P.S-Madhusudanpur (Nath Nagar), District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 22-05-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 25 (1-b) a, 26 & 35 of the Arms Act.

On the tip of about congregation of some criminals at Goldar Patti to commit some occurrence, when the informant along with police party raided the aforesaid place they resorted firing upon the police party. However, the police personnel took shelter of the wall and any how apprehended two of them while two other accused persons managed to escape and from possession of the petitioner two live cartridges and from possession of his companion one loaded country made pistol was recovered.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery from his possession. No incriminating article has been recovered from his conscious physical possession. As a matter of fact, petitioner was not armed with the firearm, hence there was no question of resorting firing by him and that too without firearm the cartridge is of no use. The petitioner has been languishing in custody since 12.12.2018.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bhagalpur in connection with Nathnagar (Lalmatiya) P.S. Case No.741 of 2018.

(Prakash Chandra Jaiswal, J)

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