

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35333 of 2019

Arising Out of PS. Case No.-152 Year-2017 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Satyam Triar, Son of Chiranji Triyar, aged about 31 years, Male, Resident of
village- Mohanpur, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Samastipur (Muffasil) P.S. Case No. 152 of 2017 registered for
the offences punishable under Sections 25 (1-b)a, 26, 27, 35 of
the Arms Act and Section 37 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case in sum and substances is that the
informant Saryu Mistri being S.I. of police submitted written
application before the officer in charge of Muffasil P.S. on
24.03.2017, alleging inter alia that on 23.03.2017 at about 6.00
P.M., he along with police team reached at place of occurrence
in the course of evening patrolling after knowing that due to



some land dispute in Mohanpur, firing took place. The police reached near Mohanpur Road Bullet Agency then three persons tried to run away but one of them was apprehended by the police. The other two accused persons managed to escape taking advantage of darkness. The apprehended person disclosed his name as Durga Das and upon his search a country made loaded pistol with four live cartridges were recovered from his left side waste, further another country made loaded pistol was recovered with two empty and three live cartridges of 303 were recovered from his right waste. One of the cartridge was having sign of firing. Upon enquiry said Durga Das disclosed that country made pistols were given to him by one Vikash Mahto, son of Fekan Mahto of Mohanpur, who managed to flee away along with the petitioner. The said recovered arms were seized in presence of independent witnesses. Durga Das was arrested thereafter house of Vikash Mahto and Satyam Triyar was raided by the police along with said Durga Das, but they were not found at their house. Accordingly, after preparation of seizure list and arrest of the apprehended accused formalities for institution of the present case were completed on the next day. It was also stated that the apprehended accused was medically examined and was found under intoxication.



Learned counsel for the petitioner has submitted that the allegation of recovery of firearms is specific against the apprehended accused Durga Das and the accusation against the petitioner is simply that he fled away upon arrival of the police team. It is further submitted that the petitioner was remanded in this case on 14.03.2019 though he was in judicial custody in connection with Samastipur Muffasil P.S. Case No. 468 of 2014 since 31.01.2019.

There is no specific allegation against the petitioner and no recovery has been made from possession of the petitioner.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II cum Special Judge, Excise, Samastipur in connection with Samastipur Muffasil P.S. Case No. 152 of 2017, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned



Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) 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.

(Anjani Kumar Sharan, J)

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