

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39656 of 2019

Arising Out of PS. Case No.-435 Year-2018 Thana- KHAJEKALA District- Patna

MD. CHOTU @ MD. SAIF, Son of Md. Yunus, Resident of Village - Barkat
Khan Ka Akhara, P.S.- Khajekalan, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-08-2019

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Khajekala P.S. Case No.435 of 2018** instituted for the offence under Section(s) 25(1-b)a, 26, 35 of the Arms Act.

It is alleged in the written report that informant is Investigating Officer of Khajekalan P.S. Case No.317 of 2018. It is alleged in the aforesaid case that one non-FIR accused, Chotu @ Saif, (petitioner) confessed his guilt of having murdered deceased, Ritesh Kumar, by firearm. He disclosed before police that he has concealed aforesaid firearm in his house. It is alleged that police searched house of the petitioner and recovered firearm from house of the petitioner and registered separate case under Arms Act.



Counsel for the petitioner submits that for the same occurrence police has registered two separate cases; one under Section 302/34 Indian Penal Code and Section 27 of the Arms and another under Section 25(1-b), 26, 35 of the Arms Act.

Petitioner is in custody since 30.11.2018.

This Court finds that earlier for the same offence Khajekala P.S. Case No.317 of 2018 has been registered for the same offence under Section(s) 302/34 Indian Penal Code and Section 27 of the Arms Act.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 the **Sub- Divisional Judicial Magistrate, Patna City**, in connection with **Khajekala P.S. Case No.435 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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