

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38152 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

MITHUN @ BAIDYANATH SAHNI Son of Late Shankar Sahani @ Shambhu Sahni Resident of Village- Bijay Chapra, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner has prayed for grant of bail in connection with Ahiyapur P.S. Case No.35 of 2019 registered for the offence under Sections 399, 402, 414 and 412 of the Indian Penal Code and Sections 25(1-b) a, 26 and 35 of the Arms Act.

As per the prosecution case, on receiving information about some persons planning to commit crime the police reached the place of occurrence. The accused persons attempted to escape. Some of them escaped successfully. Out of the accused persons caught at the spot, petitioner was one of them from whose possession a country made loaded pistol was



recovered.

It is submitted by learned counsel for the petitioner that the allegations as leveled are false, there was no recovery from the person of the petitioner, the so called independent witnesses were residents of places far away from the place of occurrence. It is further submitted that the petitioner is in custody since 14.01.2019, has no criminal antecedent and charge sheet has already been submitted in the case.

Application for bail has been opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner is in custody since 14.01.2019, has no criminal antecedent and that charge sheet has already been submitted, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Muzaffarpur, in Ahiyapur P.S. Case No.35 of 2019.

(Partha Sarthy, J)

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