

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47886 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BHAPTIAHI District- Supaul

SUSHIL KUMAR, aged about 25 years (Male), S/o- Arun Sharma, R/O Village- Mathai, PS and District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arun, Advocate.

For the Opposite Party : Mr.Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 02.01.2019 in a case for the offence registered under Sections 25(1-b)a and 26 of the Arms Act.

The prosecution story, in brief, is that on 01.01.2019 at 10.00 A.M. while the informant was making raid regarding Bhaptiyahi P.S. Case No. 131/2018, U/Ss 302/34 of the IPC and 27 of the Arms Act, apprehended one Birendra Mandal @ Raju Mandal and made enquiry in which Birendra Mandal confessed his guilt and named this petitioner and on his instance, arrested this petitioner and in presence of two independent witnesses, search was made and from possession of this petitioner, one loaded county made pistol with Magazine and six live cartridges



was recovered. The petitioner did not produce any paper regarding the fire arms and ammunition.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. One loaded pistol with Magazine alongwith six live cartridges is said to have been recovered from possession of the petitioner. There is no compliance of Section 100 Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul, in connection with Bhaptiyahi P.S. Case No. 1/2019.

(Sudhir Singh, J)

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