

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52246 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- BALRAMPUR District- Katihar

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GARIB NAWAZ, aged about 27 years (Male), Son of Late Md. Muzahid @
Muzahir, Resident of Village- Baluganj, P.S.- Balarampur, District- Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pravin Kumar, Advocate.

For the Opposite Party : Mrs. Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
30.04.2019 in a case for the offence registered under Sections
25(1-b)a, 26 and 27 of the Arms Act.

The prosecution story, in brief, is that the basis of
secret information, the informant reached at the place of
occurrence and found that a dead body of Md. Khusdil is lying
on road as disclosed by the persons of the locality. It has been
stated that the informant recovered one country made pistol and
four cartridges from the place of occurrence and prepared
seizure list to this effect.

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. There is no recovery of any arms from conscious possession of the petitioner. The petitioner is not named in the F.I.R. The petitioner has been remanded in the present case on the basis of confession made by co-accused in connection with Balrampur (Telta) P.S. Case No. 33 of 2019. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not 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 A.C.J.M.-VI, Katihar, in connection with Balrampur P.S. Case No. 34 of 2019.

(Sudhir Singh, J)

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