

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79286 of 2019

Arising Out of PS. Case No.-13 Year-2017 Thana- TELHARA District- Nalanda

Ram Sajjan Tiwary (male), aged about 70 years, S/o Late Ram Swaroop Tiwary R/o village- Badnna (Bisunpur), P.O.- Kanchaiyaganj, P.S.- Telhara, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Jharkhandi Upadhyay, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Telhara PS Case No. 13 of 2017 dated 22.02.2017 instituted under Sections 25(1-B)/A/26 of the Arms Act.

3. Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 3 of the application with regard to case number in which the petitioner is also accused as also in paragraph no. 10 with regard to the name of the Police Station. Let the same be done during the course of the day.

4. The allegation against the petitioner is that from his house a country made weapon and one live cartridge have been recovered.



5. Learned counsel for the petitioner submitted that as per the prosecution story, the petitioner's house was raided for recovery of two kidnapped children and one person was trying to run away and upon being caught it was the petitioner and from his house the children were recovered and one country made weapon resembling carbine and one live cartridge were recovered. It was submitted that for kidnapping, another substantial case, Gaya Kotwali PS Case No. 74 of 2017 dated 22.02.2017 was lodged in which the petitioner has already been granted bail by a co-ordinate bench of this Court on 19.06.2019 in Criminal Miscellaneous No. 12599 of 2019. It was submitted that though the petitioner was arrested on 22.02.2017 itself, but he was first remanded in the other case and thereafter in the present case, he has been remanded on 23.04.2017.

6. Learned counsel submitted that the petitioner is aged about 70 years and has falsely been implicated and besides the present and the other case, both of which arise out of the same incident, there is no other criminal antecedent.

7. Learned APP submitted that firearm and cartridge was recovered from the house of the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM, Hilsa, Nalanda in Telhara PS Case No. 13 of 2017, subject to the condition that one bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Ranjeet/Rahul

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