

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76834 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- SARAIYA District- Muzaffarpur

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Raja Babu, S/o Mohan Roy, Resident of Village- Yadav Nagar, Bhagwanpur,
P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 24.01.2018
in connection with Saraiya P.S. Case No. 28/2018 registered for
the offense punishable under Sections 392 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though
it is alleged that the petitioner was recovered from the place of
occurrence, it is submitted that the petitioner was taken into
custody on mere suspicion that he was one of the culprits and
was badly beaten up. It is further submitted that though it is
alleged that the petitioner was in possession of arms, the same is
hardly believable as in such a situation, he could have well used
the same in his self-defence. However, he was, in fact, badly



beaten up by the people who caught him. Learned counsel for the petitioner further submits that the culprit who had actually looted the motorcycle from the informant had in fact escaped and, therefore, the police is trying to saddle the blame on his shoulder. It is further submitted that for the same occurrence another case under the Arms Act has also been registered being Saraiya P.S. Case No. 27 of 2018 dated 23.01.2018.

Considering the aforementioned facts and circumstances and that the petitioner has got no criminal antecedent and also because the petitioner has remained in custody for almost a year, 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 learned A.C.J.M.-1st (West), Muzaffarpur, in connection with Saraiya P.S. Case No. 28/2018.

(Anjana Mishra, J)

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