

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 392 of 2020

Arising Out of PS. Case No.-90 Year-2019 Thana- RAJPUR District- Rohtas

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TUNTUN KUMAR @ MUKESH KUMAR Son of Ganga Singh Resident of
Village- Dudhani Dehri, P.S.- Indrapuri, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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For the Petitioner/s :	Mr.Sanjay Kumar Tiwary
For the Opposite Party/s :	Mr.Dashrath Mehta

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Rajpur Police Station (for
brevity, *PS*) Case No 90 of 2019 instituted for the offence
punishable under Section (s) 399, 402 of Indian Penal Code and
Sections 25 (1-b)a, 26, 35 of Arms Act.

One loaded country made pistol and four live cartridges
are alleged to have been recovered from petitioner's possession.
Submission is of false implication. It is submitted that upon his
false implication in the instant proceedings, petitioner has been
remanded in Nokha PS Case No 140 of 2019 and Indrapuri PS
Case No 252 of 2019. Those cases were against unknown
persons and petitioner, subsequent to his arrest in connection
with the instant case, has been remanded in the said two cases.
Prior to the instant case, there was no criminal antecedent of the



petitioner. He is in custody since 27.07.2019. The recovery is submitted to be nothing but a false allegation and that there is no compliance with Section 100 of Criminal Procedure Code.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Bikramganj, District - Rohtas in connection with Rajpur PS Case No 90 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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