

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16184 of 2020

Arising Out of PS. Case No.-351 Year-2019 Thana- KALYANPUR District- Samastipur

KAMLESH KUMAR Son of Late Upendra Mahto Resident of Village -
Ladaura, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 03-06-2020 Heard learned counsel for the parties.

2.This application for regular bail arises out of Kalyanpur P.S. Case No. 351 of 2019, disclosing offences punishable under Sections 25(1-B) (a),26,35 of the Arms Act and Sections 399,402/34 of the Indian Penal Code.

It is alleged in the First Information Report that police received a secret information that some persons were planning to commit dacoity. On the basis of said information, the police are said to have conducted raid in village Bhandaura where they saw 5 to 6 persons fleeing away after noticing the presence of the police vehicles. They were chased and three of them were caught including the petitioner. From the petitioner one country made pistol and two live cartridges were recovered.



Learned counsel appearing on behalf of the petitioner has submitted that he has remained in custody since the date of his arrest, viz, 21.12.2019 and no case under Section 399 of the IPC is made out on the basis of what has been alleged in the FIR.

Learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for bail and has submitted that since the petitioner is an accused in another case, he does not deserve privilege of regular bail.

However, considering the facts and circumstances, particularly the fact that no overt act has been alleged against the petitioner except for recovery of fire arms from his possession, considering the period of his custody, a case for grant of bail is made out. This application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in Kalyanpur P.S. Case No. 351 of 2019.

(Chakradhari Sharan Singh, J)

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