

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27494 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Dilip Rai aged about 40 years, male, Son of Late Birju Rai Resident of
Village- Salha Baikathpur, P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 12-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mushahari P.S. Case No. 05 of 2021, registered for the offence under Section 25(1-AA), 26 of the Arms Act.

As per the prosecution case, one country-made loaded pistol and a charger with four live cartridges, total five live cartridges, were recovered from the waist of petitioner and a 9 mm pistol was also recovered from slab of kitchen of petitioner.

It is submitted on behalf of petitioner that no incriminating article has been recovered either from possession of the petitioner or from his kitchen and petitioner has been falsely implicated in this case. Petitioner is in custody since 08.01.2021. Investigation is complete.



Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties, materials available on record and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional Chief Judicial Magistrate – X, Muzaffarpur in connection with Mushahari P.S. Case No. 05 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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