

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24586 of 2024
Arising Out of PS. Case No.-941 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Shiwam Kumar Tanti @ Shiwam Tanti @ Siwal Tanti, Male, aged about 28 years, Son of Parmod Tanti, Resident of Jalim Koiri Lane, Ward No. 26, Bari Khanjarpur, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No.47 of 2024 arising out of Kotwali (Barari) P.S. Case No. 941 of 2023 instituted for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, one loaded country made pistol with one live cartridges have been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case. No incriminating articles have been recovered from the conscious or constructive possession of the petitioner. Petitioner is in custody since 09.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-XIII, Bhagalpur dated 13.02.2024, it appears that on the basis of written report of the informant Ashutosh Kumar, five FIR named accused persons including the petitioner have been made accused in this case. From perusal of the FIR, it also appears that one loaded country made pistol and one live cartridges have been recovered from the possession of the petitioner. There is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after commitment of the case* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XIII, Bhagalpur in connection with Sessions Trial No. 47 of 2024 arising out of Kotwali (Barari) P.S. Case No. 941 of 2023.



7. The trial Court is directed to conclude the proceeding of commitment within a period of one month.

(Ramesh Chand Malviya, J)

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