

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26743 of 2024

Arising Out of PS. Case No.-941 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Suraj Tanti Son Of Late Mahesh Tanti Resident Of Mohalla- Anandilal
Mishra Lane, Surkhikal, Ps- Kotwali, Barari, Dist- 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. Zainul Abedin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-04-2024 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 four 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 and similarly situated co-accused has been granted bail by this court passed in Cr. Misc. No. 24586 of 2024.

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 21.02.2024, 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 four 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)

Brajesh Kumar/-

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