

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51161 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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1. Shishu Pal Mistri son of Late Shiv Lal Mistri, Resident of Village-
Mirjapur, Police Station- Chicksaura, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.08.2016 in connection with Chicksaura P.S. Case No. 88 of
2016 registered for the offence punishable under Sections 25 (1-
AA)b, 26 and 35 of the Arms Act.

The prosecution case as lodged by the police is that
during patrolling duty on confidential information the raid was
conducted in the house of the petitioner and the petitioner was
apprehended for making illegal arms, which was in unfinished
condition and named another co-accused Bundela (Mistri)
Biswakarma, who was his accomplice and accordingly, a seizure
list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal history and has



falsely been implicated in the aforesaid case. It has further been submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chicksaura P.S.Case No. 88 of 2016.

This is however subject to the condition that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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