

Arising Out of PS.Case No. -26 Year- 2015 Thana -SANGRAPUR District- MUNGER

Arising Out of PS.Case No. -26 Year- 2015 Thana -SANGRAPUR District- MUNGER

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Pranav Kumar

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 09.09.2016 in connection with Sangrampur P.S. Case No. 26/2015 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that in the night while he was sleeping in the Verandah of the house, four persons came. He recognized two co-accused persons, namely Babloo Yadav and Pravesh Kumar Yadav and did not recognize the other two persons. Babloo Yadav on the order of Pravesh Kumar Yadav fired from his country made pistol which hit the chest of the informant.

It has been submitted by the learned counsel for the petitioner that no overt act has been alleged against the petitioner. He has surrendered on 09.09.2016 before the court below and since then he



is in custody. It is submitted that no case under Section 307 of the Indian Penal Code or Section 27 of the Arms Act is made out against the petitioner, as there are general and omnibus allegations. It is further submitted that another co-accused Lalu Yadav on similar allegation has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 41048/2016 on 29.09.2016.

However, learned APP for the State submits that during investigation the name of the petitioner surfaced, hence, opposes the prayer for bail.

Be that as it may, considering the facts aforesaid and submission of the parties, let petitioner, above named, be enlarged 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 II, Munger, in connection with Sangrampur P.S. Case No. 26/2015, subject to the condition that the petitioner will remain physically present in the court on each and every date during trial and in the event of failure to appear on two consecutive dates without assigning any reason will be liable for cancellation of his bail bond.

(Nilu Agrawal, J.)

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