

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51520 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

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Vikash Sah Son of Late Ashok Sah Resident of Village - Ganeshpur
Tinpuliya, P.S. Jagdishpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.07.2016 in connection with Jagdishpur P.S. Case No. 142 of
2016 registered for the offence punishable under Sections 25(1-
b)A, 26 and 35 of the Indian Penal Code.

The prosecution case, as lodged by the police, is that
in course of investigation of Jagdishpur P.S. Case No. 140 of
2016, they went to the house of the petitioner and found three
persons talking, who seeing the police, fled away. On enquiry,
neighbours named the petitioner and two others. On search, police
found one country made revolver with six rounds bullet, one
country made revolver, one empty magazine and eight live



cartridges from beneath the bed of one of the rooms of the house of one Anand Sah.

It has been submitted by the learned counsel for the petitioner that just because he is the brother of Anand Sah, he has been falsely implicated in the aforesaid offence. It is further submitted that nothing has been recovered from conscious possession of the petitioner and 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 142 of 2016.

This direction for bail is subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court



or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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