

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53039 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Pradeep Kumar, son of Lalan Sah, resident of Village- Padumker, P.S.-
Patahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in judicial custody since 13.07.2016
in connection with Bairgania P.S.Case No. 113 of 2016 for the
alleged offence under Sections 399, 402 of the Indian Penal Code,
Section 25(1)(A)/25(1-B)a/26/35 of Arms Act and Section 4 / 5 of
the Explosive Substance Act.

The prosecution case, as lodged by the police
personnel, is that the police on secret informant went to the place
of occurrence where they found 5-7 persons including this
petitioner collected for committing some untoward act and one
country made pistol with five live cartridges were recovered from
the possession of the petitioner.



It has been submitted by the learned counsel for the petitioner that he is innocent. No overt act has been committed by him and that the charge sheet has already been submitted against him, hence there is no chance of tampering with the prosecution evidence. He further submits that on similar allegation, one co-accused, in whose possession one country made pistol and one live cartridge and mobile set were recovered has since been granted privilege of bail by this Court in Cr. Misc. No. 50789 of 2016 on 24.11.2016.

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

Be that as it may, since the charge sheet has already been submitted and other co-accused, on similar allegation, has since been granted privilege of bail, let the above named petitioner be released 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 C.J.M., Sitamarhi in Baorgania P.S. Case No. 113 of 2016

This direction of bail is further subject to the condition that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J)

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