

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50789 of 2016

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

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SUNNI JAISWAL @ SANNNI JAISWAL, son of Late Shambhu Prasad
Jaiswal, resident of Village Mushachak, P.S. Barganiya, District Sitamarhi
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
13.07.2016 in connection with Barganiya P.S. Case No. 113/16 for
offences punishable under Sections 399/402 of the Indian Penal
Code, under Section 25(1)(A)/25(1-B) a/26/35 of the Arms Act
and Section 4/5 of the Explosive Substance Act.

The prosecution case is that the police on secret
information went to the place of occurrence where they found 5-7
accused persons collected for committing some untoward act. The
petitioner was caught with one country-made pistol, one live
cartridge and mobile set.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in
the aforesaid case. He submits that the petitioner has no criminal

history and that he has already been charge-sheeted, hence, there is no chance of tampering with the evidence.

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

From the materials available, it does not reveal that the petitioner's liberty on bail would adversely affect his trial. Hence, in the interest of justice, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Bargania P.S. Case No. 113/16.

This direction of bail is further subject to the condition that the petitioners 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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