

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54602 of 2016

Arising Out of PS.Case No. -377 Year- 2016 Thana -DANAPUR District- PATNA

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Deepak Bind Son of late Ram Swaroop Bind Resident of Mohalla China
Kothi, P.S. Budha Colony, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.09.2016 in connection with Danapur P.S. Case No. 377 of 2016
registered for the offence punishable under Sections 309, 402 and
414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of
the Arms Act.

The prosecution case is that on tip-off police during
raid near a newly constructed Mahavir temple apprehended five
persons, including the petitioner, who was found to have
possessing one pistol and two live cartridges and other arms and
ammunitions were recovered from the possession of other co-
accused. Accordingly, seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, has committed no overt act 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 habitual offender and has five cases lodged earlier against him, hence, opposes the prayer for bail.

Considering the facts and circumstances and submission of the parties, 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-II, Danapur, Patna in connection with Danapur P.S. Case No. 377 of 2016, subject to the condition that one of the bailors must be a close relative and other bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned police station/ Court and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. This direction for bail is further subject to the condition that if petitioner is found



committing similar nature of offence in future, his bail bonds shall
be liable to be cancelled.

(Nilu Agrawal, J.)

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