

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53360 of 2016

Arising Out of PS.Case No. -213 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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1. Raju Ali, son of Asgar Ali, Resident of Village Akauna, Police Station – Barhara, District – Bhojpur
 2. Markandey Singh, son of Jagat Narayan Singh, Resident of Vilalge – Jokhari, Police Station – Krishnagarh, District - Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 22.05.2016 in connection with Udwant Nagar P.S. Case No. 213 of 2016 registered for the offence punishable under Sections 399, 402, 414 and 412 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that having received secret information that some miscreants are planning to commit dacoity, they intercepted Scorpio vehicle and apprehended six persons, including these petitioners and recovered mobiles and SIMs from the petitioners. Accordingly, seizure-list was prepared.



It has been submitted by the learned counsel for the petitioners that they are innocent and nothing incriminating has been found from their conscious possession and that another co-accused from whose possession a country made pistol with two live cartridges were found has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 45338 of 2016 on 19.10.2016. He further submits 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 no. 1 has three cases of similar nature pending against him and petitioner no.2 has two cases of similar nature pending against him, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted and that another accused, who was caught with fire-arms, has since been granted the privilege of bail, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No. 213 of 2016.

This direction for bail is, however, subject to the



condition that petitioners 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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