

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23905 of 2017

Arising Out of PS.Case No. -216 Year- 2016 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Jai Prakash Kumar, son of Raghunath Rai, resident of Village- Panapur
Gaurahi, Police Station- Hajipur Sadar, District- Vaishali

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 216 of 2016 registered for the offences punishable
under Sections 414, 307 of the Indian Penal Code and Sections
25(1-b), 26, 27 and 35 of the Arms act.

Allegedly, three persons on motorcycle were seen in
suspicious condition and after seeing the Police party they started
fleeing but they were chased and then after leaving the motorcycle
they opened fire on Police party, the Police party also resorted to
firing and out of them two were caught including the petitioner
and from possession of the petitioner one pistol having writing
“made in USA Auto Pistol” and 3 live cartridges of .765 Bore were
recovered besides one old mobile.



Submission is of false implication and that no one was injured in the alleged firing, the motorcycle recovered was in the name of the father of the petitioner which has already been released, the petitioner without any fault is suffering in custody since 19.12.2016 and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 216 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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