

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28282 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -ARARIA District- ARRARIA

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1. Md. Masoom Reja Son of Md. Bhola, Resident of Village- Mahseli,
Police Station- Bousi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 11.01.2017 in
connection with Araria (Bairgachhi) P.S. Case No. 15/17 for
offences punishable under Sections 399, 402 of the Indian Penal
Code and Sections 25(1-b) a, 26, 35 of the Arms Act.

The prosecution case is that on the orders of S.P.,
Araria, a raid was conducted at the tea shop of Suryanand Sah.
They tried to arrest the miscreants but two miscreants managed to
escape but three miscreants were arrested. On search, one country-
made pistol loaded with one live cartridge was recovered from the
possession of the petitioner and other articles were recovered from



the possession of other two miscreants. On demand they did not produce any paper regarding the recovered articles.

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 charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner along with other co-accused were planning to commit dacoity in the Bank and is a habitual offender because as many as four cases are pending against him.

Considering the facts and circumstances and the materials on record, 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, Araria, in connection with Araria (Bairgachhi) P.S. Case No. 15/2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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