

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24879 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bipin Sah, Son of Late Gangajal Sah, Resident of village- Ghanshyam
Pakadi, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr Harendra Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 05.12.2016
in a case registered for offences punishable under Sections 414 of
the Indian Penal Code and under Sections 25 (1-b) a 26/35 of the
Arms Act.

The prosecution case is that while the police was on
patrolling duty, they found three persons including the petitioner
were engaged in loot of bag of one Pankaj Tiwary. One of the co-
accused, Kamlesh Sah was apprehended, while two others
managed to flee away and from the possession of Kamlesh Sah,
one country made pistol and two cartridges were recovered. The
petitioner is one of the accomplices named by co-accused
Kamlesh Sah.

It has been submitted by the learned counsel for the



petitioner that he is innocent has been falsely implicated in the aforesaid case although, he has no criminal antecedent but on the same date two other cases were lodged against him. It is further been submitted that no case under the Arms Act is made out against him and there is no recovery of incriminating articles from his possession.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Pipra P.S. Case No. 164 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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