

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26792 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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1. Santosh Kumar Son of Raju Yadav, Resident of Village- Naya Tola,
Mirzapur, P.S.- Nathnagar (Madhusudanpur), Distric-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with Nathnagar (Madhusudanpur) P.S.Casae No.39 of 2017, registered for offences punishable under Sections 399/402 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act.

Allegation against the petitioner is that the police has arrested the petitioner along with the other accused person while they were planning for committing an offence under Section 399 and other Section of the IPC and from the possession of the petitioner two cartridges have been recovered.

It is submitted on behalf of the petitioner that he has no criminal antecedent and he has been falsely implicated in this case and made accused. The petitioner is in jail custody for about five



months.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S.Case No.39 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.
- (iv) In future, if his active participation is found in similar type of cases, his bail bond shall automatically be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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