

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35230 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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1. Sanoj Kumar @ Sanoj Yadav Son of Dando Yadav, R/o Village- Karali,
P.S.- Madhusudanpur, District- Bhagalpur, At present Pasi Tola, P.S.-
Lalmatiya, District- 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. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 10.02.2017 in
connection with Nathnagar (Lalmatiya) P.S. Case No. 40/2017 for
offences punishable under Sections 25(1-b) a, 26 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that while investigating Nathnagar Madhusudanpur
P.S. Case No. 37 of 17 and Nathnagar (Madhusudanpur) P.S. Case
No. 369 of 2016 they apprehended the petitioner and from the
possession of the petitioner one country-made loaded pistol with
one cartridge and other live cartridge was recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent, has been falsely implicated in the aforesaid case, no overt act has been committed by him and charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in serious nature of offences.

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 Addl. Chief Judicial Magistrate, Bhagalpur, in connection with Nathnagar (Lalmatiya) P.S. Case No. 40/2017, 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)

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