

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37292 of 2017

Arising Out of PS.Case No. -232 Year- 2016 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Santosh Sah, Son of Dayanand Sah @ Daya Ram Sah, Resident of
Village- Gauripur, P.S.- Singheshwar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr. Sri Rana Randhir Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
29.12.2016 in connection with Singheshwar P.S. Case No. 232 of
2016 for offences punishable under Section 307 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was sleeping in the night, one fire shot hit him on the
leg.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and just because he has a criminal antecedent and because
of his extra judicial self confessional statement before the police,



which has no evidentiary value in the eye of law, he has been made accused. It has further been submitted that charge-sheet has already been submitted, there is no allegation of tampering of prosecution witnesses by the petitioner. Petitioner has been named after 15 days of lodging of the FIR and that injury is not on vital part of the body. The petitioner and the informant are next door neighbors and there was a land dispute between both the parties.

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 nine more cases, earlier.

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, Madhepura, in connection with Singheshwar P.S. Case No. 232 of 2016 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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