

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40496 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -ARA MUFFSIL District- BHOJPUR

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1. Kamakhya Singh Son of Late Baidya Nath Singh, Resident of Village-Dariyapur, P.S. Ara Muffasil (Dhobaha O.P.) District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 20.06.2017 in connection with Ara (Muffasil) P.S. Case No. 77/17 for offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-B) A/26 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some criminals have assembled in the house of the petitioner, the house was raided, but petitioner managed to flee away and in front of the house two motorcycles were parked, which was alleged to be stolen one, and in the house from the pocket of the pant one magazine with five



live cartridges were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and the motorcycle found in front of his house was not stolen one and has already been released in his favour by the learned court below. He submits that nothing has been recovered from his conscious possession, no overt act has been alleged to have been committed and petitioner is an old man of 65 years. He further submits that 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.

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, Bhojpur at Ara, in connection with Ara (Muffasil) P.S. Case No. 77/2017, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property,



who will file an affidavit stating their relationship with the petitioner.

(ii) 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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