

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42213 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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1. Nand Kumar Jha S/o Arun Jha Resident of Village- Shahpur Pagra (Ballochak Ward No. 9), P.S. Dalsingsarai, District - samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Ujiyarpur P.S.
Case No. 31/17 for offences punishable under Sections 307,
353/34 of the Indian Penal Code and 25(1-B) A/26/27/35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that during patrolling they intercepted a motorcycle
carrying three persons, who tried to flee away firing in the air but
the motorcycle fell down and the petitioner was apprehended
while two persons managed to flee away. From the possession of
the petitioner one country-made pistol and one recently used



cartridge was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and the statement made before the police has no evidentiary value in the eye of law. He submits that he has no criminal antecedent, except Musrigharari P.S. Case No. 12/17 in which after the present case he has been remanded. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and no case under Section 307 of the IPC is made out against him.

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 S.D.J.M., Dalsingsarai, Samastipur, in connection with Ujiyarpur P.S. Case No. 31/17, subject to the 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 cooperate 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.

(Nilu Agrawal, J)

Rajesh/-

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