

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51428 of 2017

Arising Out of PS.Case No. -123 Year- 2017 Thana -DANAPUR District- PATNA

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1. Manager Kumar @ Manager Rai Son of Sri Bhagwan Rai, R/o Village-
Didarganj, Near Hindustan Petrol Pump, P.S.- Didarganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.03.2017 in connection with Danapur P.S. Case No. 123/17 for
offences punishable under Sections 399, 402, 414, 413 of the
Indian Penal Code and 25(1-B)A, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that some miscreants have
assembled for committing dacoity, the police raided the place and
apprehended seven persons including the petitioner and arms and
ammunitions were also found. Specific allegation against the
petitioner is that one country-made pistol and one live cartridge



was recovered from his possession.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed and charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that one of the co-accused has been granted privilege of bail by this Court in Cr. Misc. No. 47329 of 2017 on 06.10.2017.

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 two cases earlier of similar nature.

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-I, Danapur, Patna in connection with Danapur P.S. Case No. 123/2017, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner including the details of



the property 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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