

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7191 of 2017

Arising Out of PS.Case No. -156 Year- 2016 Thana -BARAULI District- GOPALGANJ

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1. Dharam Nath Prasad @ Dharma, Son of Indrashan Prasad, Resident of village - Bankat, P.S. Barauli, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 28.07.2016
in connection with Barauli P. S. Case No. 156 of 2016 for
offences punishable under Sections 25 (1-B)A, 26 and 35 of Arms
Act.

The prosecution case is that on the basis of secret
information, the informant along with other police personnels
reached at the place of occurrence where two persons with Bolero
and five were caught with motorcycle and some of them fled away
and after search on the body of the apprehended persons, country
made pistols were recovered from the possession of the two
accused persons. The petitioner was found with one country made
pistol and one live cartridge and seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that the other co-accused on similar allegation has been granted bail by the learned Court below and just because he is an accused in two other cases under different Sections, his bail application has been disallowed. It is further submitted that no overt act has been committed by the petitioner and charge sheet has also been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the 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, Gopalganj in connection with Barauli P.S. Case No. 156 of 2016 with a condition that the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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