

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23250 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -SHYAMPUR BHATHA District- SHEOHAR

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Shri Narayan Singh son of Late Jamuna Singh R/o Village Naya Gaon, P.S.
Shyampur Bhathan, District - Sheohar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 14-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
08.09.2016 in connection with Shyampur Bhattha P.S. Case No.
39 of 2016 registered for the offence punishable under Section 414
of the Indian Penal Code and Sections 25(1-b)a, 25(1-A), 26(ii)
and 35 of the Arms Act.

The prosecution case, as lodged by the police party, is
that on a confidential information that some criminals are moving
in the village, the police personnel apprehended Nankhu Singh @
Nanak Singh @ Raushan Singh, who was found to be possessing
pistol and live cartridges. On his confessional statement that he



was working under the leadership of the petitioner and the pistol and cartridges were given by the petitioner, petitioner has been made accused.

It has been submitted by the learned counsel for the petitioner that the allegations are false, he was not caught by the police and it is only on the confessional statement of the co-accused, which has no evidentiary value in the eye of law, that he has been made accused. He submits that he was neither at the place where other accused was apprehended and just because he has a criminal antecedent, in most of which either he has been acquitted or discharged or final report submitted or cognizance has not been taken. He submits that he is Member of the Zila Parishad and his mother is the Mukhiya of Nayagaon East Panchayat, as such, he has been falsely implicated by his political enemies. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and he undertakes to cooperate in the trial.

However, learned A.P.P. for the State submits that the petitioner has a long criminal history, is a habitual offender and has been implicated in serious nature of offences in as many as 47 cases, hence, vehemently 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/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Shyampur Bhattha P.S. Case No. 39 of 2016, subject to the condition that both the bailors would be close relatives of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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