

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17885 of 2017

Arising Out of PS.Case No. -64 Year- 2016 Thana -SISWAN District- SIWAN

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Aftab Alam @ Aftab Mian, S/o Saleem Mian, R/o village - Sahnawazpur,
P.S. Tariaya, District - Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
30.05.2016 in connection with Siswan P.S. Case No. 64/16, G.R.
No. 1999/2016 for offences punishable under Sections 353, 307,
35 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on a secret tip off the
police raided the place where the petitioner and other veteran
criminals were sitting and when the police party reached the place
of occurrence there was firing on both sides. Petitioner was
apprehended while trying to explode a hand grenade but was
prevented by the police.

It has been submitted by the learned counsel for



the petitioner that he is innocent, has falsely been implicated in the aforesaid case and no offence under Sections 353, 307 of the I.P.C. and Section 27 of the Arms Act is made out against the petitioner as a separate case being Siswan P.S. Case No. 65/16 is pending against the petitioner under Sections 25 (1-A) (1-B)/26/35 of the Arms Act and Sections 3, 4, 5 of the Explosive Substances Act. He further submits that no overt act has been committed by the petitioner and just because he has a criminal history, he has falsely been implicated. It is submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner has a criminal history and many cases of similar nature are pending against him, hence, 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, Siwan in connection with Siswan P.S. Case No. 64/16, G.R. No. 1999/2016, subject to the condition that one of the bailors must be a close relative of the petitioner, who will file an affidavit of his relation with the petitioner and that



petitioner will appear before the court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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