

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36830 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -BANGAON District- SAHARSA

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Gautam Nath Jha son of Raghunath Jha resident of village - Bangaon, P.S. -
Bangaon, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.04.2017 in connection with Bangaon P.S. Case No. 32 of 2017
registered for the offence punishable under Sections 147, 148,
149, 307, 399, 402, 353, 332, 333, 188, 224 and 225 of the Indian
Penal Code and Sections 25(1-b) a, 25(1-AA), 26, 27 and 35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that on a secret tip-off that some of the accused of
Sadar P.S. Case No. 256 of 2017 have assembled in the house of
one Amit Jha, the police conducted a raid and during combing



operation, there was cross firing and police managed to apprehend four persons, including the petitioner. From the possession of co-accused Amit Jha, a large number of fire-arms and cartridges were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession, as is evident from the seizure-list. He submits that it was densely populated village and has been arrested by the police only on the basis of suspicion. It is also submitted that the petitioner is a student and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was apprehended along with other co-accused at the place of occurrence.

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, Saharsa in connection



with Bangaon P.S. Case No. 32 of 2017, subject to the condition
that both the bailors would be close relative of the petitioner.

(Nilu Agrawal, J.)

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