

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34201 of 2017

Arising Out of PS.Case No. -21 Year- 2000 Thana -NABINAGAR District- AURANGABAD

=====

1. Nageshwar Singh @ Bhulan S/o Late Janki Singh Resident of Village -
Ratan Karma, P.S. - Nabinagar, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 13-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with S.T. No.
124/2008 / 87/2017 arising out of Nabinagar P.S. Case No. 21 of
2000 for offences punishable under Sections 25 (1-b)/26/35 of the
Arms Act and Section 4/5 of the Explosive Substance Act and
Section 17 of the C.L.A. Act.

The prosecution case, as lodged by the police personnel
is that on 3.4.2000, in order to nab some criminals, a raid was
conducted and four persons were arrested but some of the
miscreants manage to flee away. It has been submitted that the
name of the petitioner surfaced as an active member of MCC and
thereafter, the petitioner moved before a co-ordinate bench of this



Court for bail and he was granted privilege of bail by this Court on 17.01.2002 but the petitioner did not appear before the learned court below. As such, on 05.05.2010, he was directed to appear physically on 11.08.2010 thereafter, on 04.10.2012, the petitioner was declared absconder and warrant of arrest was issued.

It has been submitted by the learned counsel for the petitioner that petitioner has engaged a counsel for doing Pairvi but he left mid-way without any knowledge of the petitioner and that the petitioner was remanded in the present case on 23.01.2016 and since then he is languishing in judicial custody. He undertakes to appear before the learned court below and co-operate in trial on each and every date.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as 12 cases are pending against him.

Considering the facts and circumstances and materials on record and also considering the undertaking given by the petitioner, 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 Ad-hoc Additional District and Sessions Judge-VII, Aurangabad, in connection with S.T. No. 124/2008 / 87/2017 arising out of



Nabinagar P.S. Case No. 21 of 2000 subject to the condition that one of the bailor would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner 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 court below for cancellation of his bail bonds. The petitioner will appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

sushma/-

U		T	
---	--	---	--

