

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36482 of 2017

Arising Out of PS.Case No. -108 Year- 2015 Thana -BARGANIA District- SITAMARHI

=====

Nagina Singh Son of late Deonandan Singh Resident of Village- Sekhauna,
P.S. Penhara, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.07.2016 in connection with Bairstania P.S. Case No. 108 of
2015 for offences punishable under Section 395 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that 15-20 miscreants entered his house, held family members
captive and looted ornaments, mobile and cash of Rs. 50,000/-.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name
surfaced only on the basis of information by the spy and because



of his criminal antecedent. He submits that nothing has been recovered from his possession and that no T.I. Parade has been held so far. He submits that some of the persons whose name surfaced during investigation have been granted privilege of bail by coordinate benches of this Court in Cr. Misc. No. 22200 of 2016 on 11.07.2016 and Cr. Misc. No. 10966 of 2016 on 09.03.2016 and the petitioner is languishing in judicial custody for more than a year. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as eight cases are pending against him for similar offences.

Considering the facts and circumstances and the materials on record and the period of custody, 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, Sitamarhi, in connection with Bairgania P.S. Case No.108 of 2015, subject to the condition that one of the bailors would be a close relative of



the petitioner having sufficient immovable property, 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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

