

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44668 of 2017

Arising Out of PS.Case No. -141 Year- 2016 Thana -HALSI District- LAKHISARAI

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1. Lalan Kumar Gupta @ Lalu Son of Raja Ram Prasad, R/o Village- Piri Bazar, P.S.& District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 05.11.2016 in connection with Halsi Ramgarh P.S. Case No. 141 of 2016 for offences punishable under Sections 25 (1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution case, as lodged by the informant police personnel is that the petitioner was apprehended and from his possession one loaded country made pistol and two live cartridges were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. Charge-sheet has already been submitted and there



is no allegation of tampering with the prosecution witnesses by the petitioner and the petitioner is languishing in judicial custody for more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and is involved in three more cases, out of which, one is of similar nature.

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/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Lakhisarai, in connection with Halsi Ramgarh P.S. Case No. 141 of 16 subject to the condition that one of the bailors 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.

(Nilu Agrawal, J)

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