

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34215 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -BARGANIA District- SITAMARHI

1. Pradip Kumar Son of Lalan Sah resident of village Padamker, P.S. Patahi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-07-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in judicial custody since 08.03.2017 in connection with Bairgania P.S. Case No. 54 of 2017 registered for offences punishable under Section 414 of the Indian Penal Code and 25 (1-b) A, 26/35 Arms Act.

The prosecution case as lodged by the police personnel is that police received information on mobile by Doctor Pradip Kumar Jaiswal that he received SMS message on his mobile that two persons were coming to receive money from him and if it is not paid, he will face dire consequences. The police personnel apprehended the petitioner along with another co-accused Dharmendra Kushwaha and from the possession of the petitioner one loaded country made pistol and one live cartridge were recovered, accordingly a seizure list was prepared.



It is submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case and Section 414 of the Indian Penal Code will not be applicable and no overt act has been committed by the petitioner. It is further submitted that charge sheet has already been submitted hence, there is no chance of tampering with the prosecution evidence and that the requirements under Section 100(4) of the Cr. P.C. has not been fulfilled.

However learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees 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. 54 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner and the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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