

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43846 of 2017

Arising Out of PS.Case No. -164 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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1. Anil Mahaldar Son of Ganouri Mahaldar, R/o Village- Ogri, P.S.-
Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.04.2017 in connection with Kahalgaon P.S. Case No. 164 of
2017 for offences punishable under Section 414 of the Indian
Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

The prosecution case, as lodged by the police personnel
is that during raid, the police apprehended two persons including
the petitioner and from his possession one country made pistol and
Adhar card of another person was recovered with one mobile and
from possession of other co-accused one live cartridge and Adhar
card, in the name of other person, was recovered. The petitioner



and other accused person could not produce any paper regarding the said motor-cycle. Accordingly, a seizure list has been prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case and no overt act has been committed. He further 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 one more case of similar nature is pending against the petitioner and that he does not have a clean antecedent.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 164 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner. 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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