

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40284 of 2017

Arising Out of PS.Case No. -151 Year- 2017 Thana -MEERGANJ District- GOPALGANJ

=====

Mubarak Ali @ Bablu Son of Habibullah Sah, R/o Village- Kailgarh Shahi
Takiya, P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sushil Kumar

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

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Mirganj P.S.
Case No. 151 of 2017 for offences punishable under Sections 414
of the Indian Penal Code and 25 (1-b) (a), 26 (II), 35 Arms Act.

The prosecution case, as lodged by the police
personnel, is that during patrolling they received information that
three criminals have snatched money from nozzle man of the
petrol pump who were riding on motorcycle. The motorcycle was
chased. While two persons managed to flee away, the petitioner
was apprehended and on search one loaded country made pistol



and two live cartridges were recovered from his possession. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no stolen money has been recovered and charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that he is languishing in judicial custody since 02.06.2017. It is further submitted that no overt act has been committed by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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, Gopalganj in connection with Mirganj P.S. Case No. 151 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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	
---	--	---	--

