

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39588 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -BEERPUR District- BEGUSARAI

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1. Rahul Singh @ Ram Nath Singh S/o Sunil Singh @ Buchan Sardar R/o
Vill. Kaithama, P.S. Muffasil, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 04-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.02.2017 in connection with Beerpur P.S. Case No. 12 of 2017
for offences punishable under Sections 25(1-B)a / 26 / 35 of the
Arms Act.

The prosecution case, as lodged by the police personnel
is that on a secret tip off, that four criminals have assembled to
commit crime, police apprehended the petitioner while three of his
accomplice managed to escape. On search, one country made
carbine with one live cartridge was recovered from possession of
the petitioner and he could not show any valid paper with regard
to motorcycle too. 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. He submits that no overt act has been committed by the petitioner and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He further submits that although three cases are pending against the petitioner but in all cases, he has been granted privilege of bail and they are under different sections of the Indian Penal Code.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and was apprehended with country made carbine with one live cartridge.

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 Additional Chief Judicial Magistrate-1st, Begusarai, in connection with Beerpur P.S. Case No. 12 of 2017 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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