

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52475 of 2017

Arising Out of PS.Case No. -163 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

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1. Dharmendra Kumar @ Dhamma S/o Dinesh Mahto, R/o Village-
Raghunathpur, Madhuban, P.S.- Maniyari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Sri Satyendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sakra P.S.
Case No. 163 of 2017 for offences punishable under Sections
25(1-b), 26, 35, 25(1-AA) and 25 (1-AAA) of the Arms Act.

The prosecution case, as lodged by the police personnel
is that on secret information, that some persons have assembled to
commit crime, the police intercepted two motorcycles and
petitioner was apprehended but three persons managed to flee
away and from possession of the petitioner one country made
pistol and one live cartridge was recovered. Accordingly, a seizure
list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and no overt act has been committed by him and he is languishing in judicial custody since 17.05.2017. He submits that the petitioner was picked up from his house on 13.05.2017 but due to high handedness of police, he has been arrested by the police on 17.05.2017 stating an entirely different story for which his younger brother had filed a petition under Section 57 Cr.P.C. before the Sub-divisional Judicial Magistrate, (West) Muzaffarpur. Charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner and after this case, the petitioner has been remanded in three more cases.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases are pending against him out of which, one is of a very serious nature.

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 Sub-Judge XIII-cum-Additional Chief Judicial Magistrate, IV, Muzaffarpur, in connection with Sakra P.S. Case No. 163 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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