

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10961 of 2017

Arising Out of PS.Case No. -206 Year- 2016 Thana -MANJHI District- SARAN

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Sant Sharan Upadhyay @ Kailash Nath Upadhyay, son of Krishna Nand Upadhyay, resident of Village- Rampur, P.S.- Rasulpur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor, for the State.

The petitioner is languishing in judicial custody since 11.09.2016 in connection with Manjhi P.S. Case No. 206 of 2016 for offence alleged under Sections 25(1-b) a/26 of the Arms Act.

The prosecution case is that the police, while on patrolling duty, apprehended the petitioner with one country made pistol and five live cartridges. Accordingly, a seizure list was prepared.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the aforesaid case. The charge sheet has already



been submitted, hence, there is no chance of tampering with the prosecution evidence.

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

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran, Chapra in connection with Manjhi P.S. Case No. 206 of 2016, subject to the conditions that one of the bailors would be a close relative of the petitioner and the other would have sufficient immovable property within the jurisdiction of the concerned police station and that the petitioner will appear before the learned court below on each and every date and failure to appear on two consecutive dates will entail cancellation of his bail bonds.

This is further subject to the condition that if the petitioner indulges in an offence of similar nature in future, his bail bond will be liable to be cancelled.

(Nilu Agrawal, J)

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