

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6412 of 2017

Arising Out of PS.Case No. -471 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Charan Singh, son of Ram Singh, resident of Village- Ainjila, P.S.-
Hazarat Nagar Jathi, District- Sambal (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is languishing in judicial custody since 01.08.2016 in connection with Khagaria (Muffasil) P. S. Case No. 471 of 2016 G.R. No. 1613 of 2016 registered for the offence punishable under Sections 25 (1-AA) and 26 (i) of the Arms Act.

The prosecution case as lodged by the police personnel is that during patrolling duty they apprehended four persons and on search while other accused persons have been found in possession of live cartridges and country made pistol, the petitioner was found to be in possession of 100 live cartridges and accordingly a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence. So far as other accused persons are concerned from whose possession, huge quantity of live cartridges were recovered than the petitioner, have already been granted privilege of bail by Co-ordinate Bench of this Court and one of them bearing Cr. Misc. No. 6561 of 2017 dated 22.02.2017.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bonds 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, Khagaria in connection with Khagaria (Muffasil) P. S .Case No. 471 of 2016, G.R. No. 1613 of 2016, on the following conditions:-

- i) One of the bailors shall be a close relative of the petitioner.



- ii) The petitioner shall not indulge in similar or in any other offence till conclusion of the trial.
- iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Nilu Agrawal, J)

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