

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18467 of 2017

Arising Out of PS.Case No. -111 Year- 2013 Thana -GAYA MUFFSIL District- GAYA

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1. Shahid Khan Son of Nasruddin Khan, Resident of Village- Karmauni,
P.S.- Sherghati (Dobhi), District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 26.10.2016 in
connection with Muffasil P.S. Case No. 111/13 for offences
punishable under Sections 170, 171, 414, 34 of the Indian Penal
Code and 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 some miscreants have
assembled to commit crime, the clinic of Dr. M.S. Kalam was
surrounded and from the clinic two accused persons, namely,
Shatrughan Bharti @ Raju and Jitendra Kumar Sinha were
apprehended, who named the petitioner and other persons as their
accomplice.



It has been submitted by the learned counsel for the petitioner that he is innocent and nothing has been recovered from his possession rather on a raid conducted on the statement of one Mahavir Yadav some fire-arm and stolen motorcycle has been recovered, but not from his conscious possession. He submits that just because he has a criminal antecedent, he has been implicated in the present case and that the apprehended co-accused Shatrughan Bharti @ Raju and Jitendra Kumar Sinha have since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 6114 of 2014 on 07.04.2014 and Cr. Misc. No. 6340 of 2014 on 25.03.2014 respectively.

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 eight cases, some for the same offence, are pending against him.

Be that as it may, 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, Gaya, in connection with Muffasil P.S. Case No. 111/13, 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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