

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38326 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -SAHPUR District- PATNA

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1. Pawan Kumar, Son of Naresh Rai, Resident of Village- Mainpura, PS.-
Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.09.2016 in connection with Shahpur P.S. Case No. 132/2016
for offences punishable under Sections 399, 402 of the Indian
Penal Code and Sections 25(1-B) a, 26/35 of the Arms Act.

The prosecution case, as lodged by the informant police
personnel, is that on information that some miscreants have
assembled to commit crime, the petitioner along with four others
was arrested on the spot and two persons were named by them.
From the possession of the petitioner one country-made loaded
pistol and one live cartridge was recovered, and, 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 by the police just because he has a criminal antecedent. He submits that four other co-accused have been granted privilege of bail by Coordinate Benches of this Court, one of them being Cr. Misc. No. 6363 of 2017 on 20.02.2017.

However, learned APP for the State opposes the prayer for bail.

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 Addl. Chief Judicial Magistrate, Danapur, Patna, in connection with Shahpur P.S. Case No. 132/2016, 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/ court, 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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