

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24577 of 2017

Arising Out of PS.Case No. -166 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Md. Ali Shekh @ Md. Ali S/o Md. Muslim, Resident of Village-Paithaniya
(Pathaniya) Tola Takeya, P.S.-Chakiya, District-East Champaran,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.12.2016 in connection with Sangrampur P.S. Case No. 166 of
2016 registered for the offence punishable under Sections 393,
399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during vehicle checking, they intercepted one
pick-up van in which three persons were sitting along with the
driver. While interrogating, one of the co-accused tried to flee
away, but petitioner along with two co-accused was apprehended,



who disclosed that they were planning to snatch the pick-up van from the driver. While from the possession of the other co-accused, one country made loaded pistol and two live cartridges were recovered, but from the possession of the petitioner one mobile was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that charge-sheet has already been submitted and there is no allegation that petitioner tampered with the prosecution witnesses. He further submits that one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 26703 of 2017 on 30.06.2017. He further submits that no incriminating article has been recovered from his possession and Sections 25(1-b)a, 26 and 35 of the Arms Act will not be applicable against him.

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 Additional Chief Judicial Magistrate-14, East
Champaran at Motihari in connection with Sangrampur P.S. Case
No. 166 of 2016.

(Nilu Agrawal, J.)

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