

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54207 of 2017

Arising Out of PS.Case No. -247 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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1. Amit Kumar, S/o Late Sanjay Yadav, Resident of Village- Maghuwa,
P.S.- Ghailarh, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 30.04.2017 in
connection with Madhepura P.S. Case No. 247/2017 for offences
punishable under Sections 399, 402, 413, 414 of the Indian Penal
Code and under Section 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that some criminals are
planning to commit crime in the house of co-accused Raushan
Kumar, the police raided the place. While others managed to flee
away, the petitioner along with two others was apprehended and
from the possession of the petitioner an empty magazine of a



country-made pistol was recovered and while some arms and ammunitions were recovered from the possession of other co-accused and mobiles and motorcycle without number was also recovered from the house of co-accused Raushan Kumar. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and just after the present case the petitioner has been implicated in three more cases of road robbery and loot, which is false and baseless. He submits that no overt act has been committed by the petitioner, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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 Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 247/2017, subject to the following conditions :



- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) 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.
- (iii) 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)

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