

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34664 of 2017

Arising Out of PS.Case No. -258 Year- 2016 Thana -TEGHRA District- BEGUSARAI

=====

1. Gagan Singh Son of Mohan Singh, R/o Village- Madhurapur, Dakshin Tola, P.s.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

For the Opposite Party/s : Mr. Anish Chandra

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 02.06.2017 in connection with Teghra P.S. Case No. 258/2016 for offences punishable under Sections 341, 353, 307, 504/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that the petitioner along with others are planning to commit crime, the police reached the house of the petitioner and saw petitioner and 3-4 other co-accused standing. On asking them to stay, the petitioner abused and opened fire which did not hit anyone and the petitioner along with others managed to flee away.



It has been submitted by the learned counsel for the petitioner that he is innocent and no overt act has been committed by him. He submits that Section 307 of the Indian Penal Code is not applicable, as no one has received injury and just because the petitioner has a criminal antecedent, he has been made accused in the present case and in most of the cases he is on bail.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent and as many as 12 cases, some of very serious nature, are pending against him.

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, Begusarai, in connection with Teghra P.S. Case No. 258/16, 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.
- (iv) Petitioner will also appear before the concerned police station in the first week of every month and mark his attendance.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

