

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54179 of 2017

Arising Out of PS.Case No. -265 Year- 2017 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Sunil Rai, Son of Santu Rai, Resident of Village- Dariyapur, P.S.-
Nayagaon, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.06.2017 in connection with Muffasil P.S. Case No. 265 of 2017
for offences punishable under Sections 25 (1-b), a 26 and 35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that on tip off that some persons are carrying huge
consignment of arms and ammunitions, the police intercepted a
Bolero Jeep and while some persons managed to flee away the
petitioner along with three other co-accused were apprehended.
From the possession of the petitioner two live cartridges were
recovered and some consignment of liquor was found in the Jeep



for which a separate case was lodged against the petitioner and other accused bearing Mufassil P.S. Case No. 266 of 2017 against the petitioner.

It has been submitted by the learned counsel for the petitioner that apart from the excise case the petitioner has no criminal history, he is innocent and that charge-sheet has already submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that two of the accused from whose possession loaded country made pistol with live cartridges were recovered have been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 48669 of 2017 on 18.10.2017.

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 S.D.J.M., Begusarai in connection with Mufassil P.S. Case No. 265 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner.

(2) 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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