

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26221 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Rudal Ray Son of Bijali Ray, Resident of Village-Raghopur Purvi Tola,
P.S. Jurawanpur, Dist.-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 02.02.2017 in a
case registered for offences punishable under Sections 395 of the
Indian Penal Code and 25 (1-b)a, 26, 35 and 27 of Arms Act.

The prosecution case as lodged by the informant is that
while he was closing his mobile shop, one person came at the
shop of the informant as a customer on the pretext of re-charging
of his mobile and in the meantime some miscreants also entered
in his shop and snatched away some mobiles and gold chain.

It has further been submitted that while the miscreants
tried to escape through Bolero car, the petitioner was apprehended
by the police, who disclosed the name of other co-accused and



after search from his pocket, one country made pistol and one mobile were recovered and accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal antecedent and in a similar type of case as the earlier case is with regard to dispute with Gotias, in which he is on bail. He further submits that no overt act has been committed, seized mobile belongs to him and charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner was apprehended by the police and named in the F.I.R. hence, opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut P. S. Case No. 25 of 2017.

(Nilu Agrawal, J)

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