

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3016 of 2018

Arising Out of PS.Case No. -641 Year- 2017 Thana -NAWADA District- NAWADA

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1. Mister Alam, Son of Samu Alam @ Md. Shamim, Resident of Mohalla-Mirjatoli, P.S.- Bundelkhand O.P. (Nawada), District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 24.09.2017 in connection with Nawada Town P.S. Case No. 641 of 2017 for offences punishable under Sections 399, 402, 414/34 of the Indian Penal Code and Sections 25 (1-b)a/26 of the Arms Act.

The prosecution case, as lodged by the informant police personnel, is that during patrolling 4-5 persons were found assembled near the bus stand smoking ganja. On seeing the police all started fleeing away in which the petitioner and one another were apprehended. From the possession of the petitioner one



country-made loaded pistol and one live cartridge was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, is implicated in one more case in the year 2009 under different sections and that no overt act has been alleged against him. He submits that the seizure-list does not support the prosecution case as the place of recovery is at another place and not from the possession of the petitioner, which falsifies the prosecution case. He further submits that 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, Nawada, in connection with Nawada Town P.S. Case No. 641 of 2017, subject to the conditions that:

- (1) 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.

- (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)

Rajesh/-

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