

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3540 of 2018

Arising Out of PS.Case No. -123 Year- 2016 Thana -TEGHRA District- BEGUSARAI

1. Dayanand Malakar @ Chhotu, son of late Yogendra Malakar, resident
of village- Nonpur, P.S.- Teghara, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Teghra P.S. Case No.123 of 2016** instituted for the offence under Section(s) 120-B Indian Penal Code, Sections 25(1-B)a, 26 of the Arms Act, Sections 3, 4 and 5 of the Explosive Substance Act and Section 10, 15, 17 of the UPA Act.

Prayer of the petitioner for bail was earlier rejected by this Court by order dated 07.03.2017 passed in Cr. Misc. No.3695 of 2017 with liberty to the petitioner to renew his prayer for bail after nine months, if no substantive progress is made in the case.

Counsel for the petitioner has submitted that petitioner is in custody since 16.05.2016.



A report was called for from the Court below, which has been received from which it appears that after framing of Charge in the case only one witness has been examined out of eight witnesses.

From the written report, it appears that one loaded country made pistol and four live cartridges were recovered from the possession of this petitioner. The police also made search of his house and recovered one green colour uniform, which is used in maoist activity, two Detonators with fuse wire and seven posters. Seizure list was prepared and copy of the same was given to the petitioner. Besides recovery of such articles, there is no other allegation of overt act against the petitioner.

Keeping in view that petitioner is in custody since 16.05.2016 and only one witness has been examined in this case till date, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of ₹10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge, VIII, Begusarai**, in connection with **Teghra P.S. Case No.123 of 2016**, subject to the condition that both the bailors shall be close relative of the petitioner.

The petitioner will not hamper the trial and



influence the witnesses. The petitioner will remain present on each and every date and his absence of two consecutive dates without any reasonable cause will amount to cancellation of his bail bond.

(Sanjay Priya, J)

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