

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40984 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- SILAW District- Nalanda

Sajan Singh S/o Vishwanath Singh, R/o Vill.- Mungiakala, P.S.- Jamalpur,
District- Ludhiana (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar – 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 16.02.2018 in connection with Silao P.S. Case No. 25 of 2018 registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25 (1-b)a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the informant police personnel, is that on secret information that some criminals have assembled to commit crime beside the school, the police conducted raid and apprehended three persons including the petitioner while three managed to flee away who were later on named by the apprehended accused persons. On search, from the possession of the co-accused, country made



pistol with live cartridges were recovered and from the possession of the petitioner, one country made loaded pistol was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he does not belong to the State and had come along with the friend, Anuj Kumar from Ludhiana. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as eleven cases, some under similar sections are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on completion of nine months in custody on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Silao P.S. Case No. 25 of 2018, subject to the conditions that:



(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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