

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41466 of 2018

Arising Out of PS.Case No. -784 Year- 2017 Thana -ARARIA District- ARRARIA

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Shekhar Kumar @ Shekhar Kr. Yadav @ Shekhar Ku. Yadav S/o
Kameshwar Yadav, R/o Vill.- Madhepur, Ward No. 4, P.S.- Madhepur,
District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.11.2017 in connection with Araria P.S. Case No. 784 of 2017,
G.R. No. 3632 of 2017 for offences punishable under Sections
399, 402 of the Indian Penal Code and Section 25 (1-b) a, 26/35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that some criminals have
assembled to commit crime, the police conducted a raid and
apprehended the petitioner along with three others in two
motorcycles. From the possession of three other co-accused, two
live cartridges each was recovered and from the possession of the



petitioner one country made pistol and two live cartridges were recovered along with the motorcycle for which he could not produce any paper which was alleged to be stolen one. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that two of the co-accused apprehended along with the petitioner has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 26644 of 2018 on 04.05.2018 and that charge-sheet has been submitted and the petitioner is languishing in judicial custody since nearly 8 months.

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, Araria in connection with Araria P.S. Case No. 784 of 2017, G.R. No. 3632 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)

Devendra/-

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