

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63560 of 2017

Arising Out of PS.Case No. -247 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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Amit Kumar Ram S/o Kamal Ram, R/o Village- Bhelwa, P.S. & District-
Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.04.2017 in connection with Madhepura P.S. Case No. 247 of
2017 for offences punishable under Sections 399, 402, 413, 414 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 a secret tip off the house of the Raushan
Kumar was raided and the petitioner along with one another was
found along with Raushan Kumar to be in possession of the fire
arms. The petitioner was apprehended along with the country
made loaded pistol.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history but after the present case he has been made accused in another case under Section 392 I.P.C. He submits that no overt act has been committed and the petitioner is languishing in judicial custody for nearly 10 months. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further submitted that one of the co-accused has been granted the privilege of bail by this Court in Cr. Misc. No. 54207 of 2017 vide order dated 29.11.2017.

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, Madhepura in connection with Madhepura P.S. Case No. 247 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship



with the petitioner.

(2) 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.

(Nilu Agrawal, J)

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