

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28647 of 2018

Arising Out of PS.Case No. -97 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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Bharosi Ram @ Bharosi Kahar S/o Late Tulsi Ram , R/o Vill.- Bhelma,
P.S.- Kudra, District- Bhabhua (Kaimur).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Nokha P.S.
Case No. 97 of 2017 for offences punishable under Sections 120
(B) I.P.C and 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 miscreants have
assembled to plan of loot, the police conducted a raid and found 7-
8 persons standing. On seeing the police all fled away except co-
accused Mahabir Yadav who disclosed the name of his accomplice
including the petitioner. He further revealed that they used to peg
nails on the road in order to facilitate loot by them. On search
from the body of the co-accused two live cartridges and one



country made pistol was recovered. Accordingly. A seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been alleged to have been committed and is rotting in jail since 04.01.2018. He submits that the apprehended co-accused Mahavir Yadav has since been granted the privilege of bail by a Coordinate Bench of this court in Cr. Misc. No. 47985 of 2017 vide order dated 08.11.2017. He 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 stating therein that the petitioner is a habitual offender and as many as four cases of similar nature are pending against him.

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 Additional Chief Judicial Magistrate (IX), Rohatas at Sasaram, in connection with Nokha P.S. Case No. 97 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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