

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.68917 of 2018**

Arising Out of PS. Case No.-27 Year-2016 Thana- NALANDA District- Nalanda

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Anil Kumar Son of Kishori Prasad, Resident of Village-Mamurabad, P.S.-  
Nalanda, Distirct-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      04-12-2018                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in  
connection with Nalanda P.S. Case No. 27 of 2016 registered for  
the offences punishable under Sections 353, 307, 506, 216 and  
414 of the Indian Penal Code and under Section 27 of the Arms  
Act.

Informant who is Officer-in-Charge of Nalanda P.S.  
has recorded her self statement that she along with special team  
constituted for investigation of Madhubani P.S. Case No. 62 of  
2016 proceeded to arrest petitioner and raided his house, but she  
was informed that he is sitting near Bargad Tree with his two  
associates along with Government Rifle and as soon as police  
reached there they started firing and thereafter fled away leaving



their Arms and thereafter Rifle and two magazines with 37 live cartridges were recovered from the said place.

It has been submitted on behalf of the petitioner that the petitioner has been falsely implicated in this case. The story of firing and cross firing is concocted and no such incident ever took place. The Government Rifle and Magazine was recovered from the house of petitioner as he had come back while posted as Constable without depositing the Rifle as his wife had fallen ill and for which Madhubani (Town) P.S. Case No. 63 of 2016 was instituted for taking away the Rifle and Cartridges as same was required to be deposited before leaving the Station. Petitioner was remanded in this case on 06.03.2016 and thereafter he is in Jail custody.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon 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, Nalanda in connection with Nalanda P.S. Case No. 27 of 2016, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/Manoj-

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