

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38741 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -NARPATGANJ District- ARRARIA

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Md. Shamshad @ Munna Mian S/o late Muslim , R/o Vill.- Madhura West ,
P.S.- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
23.02.2018 in connection with Narpatganj P.S. Case No. 71/2018,
G.R. No. 402/2018, for offences alleged under Sections 399, 402,
353, 307 of the Indian Penal Code.

The prosecution case as lodged by the informant/police
personnel is that on secret information that some criminals have
assembled to commit dacoity, the police reached the place. The
petitioner along with two others was apprehended by the police
while fleeing away who fired on the police. From possession of
the petitioner a Musket was recovered while from possession of
other two co-accused one country-made pistol and one live
cartridge was recovered.



It has been submitted by the learned counsel for petitioner that he is innocent and the petitioner did not fire upon the police. No overt act has been committed, as his Musket did not smell of recent firing. He further submits that charge-sheet has already been submitted and one of the co-accused from whose possession one live cartridge was recovered has been granted privilege of bail by a coordinate bench of this court in Cr. Misc. 25961/2018 vide order dated 02.05.2018.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and as many as four cases are pending against him, two under the Arms Act.

Considering the facts and circumstances of the case and material on record, let the petitioner named above, 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 the learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 71/2018, subject to the condition 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.) 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)

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