

sIN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38577 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- BARUN District- Aurangabad

Sadab Alam son of Mohammad Shahabuddin @ Shahbuddin Ansari Resident
of village Baradih, Police Station - Agrer, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Smt. Sahin Begam

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.03.2018 in connection with Barun P.S. Case No. 58 of 2018
for offences punishable under Sections 394, 414, 511 of the
Indian Penal Code and Sections 25(1-b)A, 26, 35 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while he was proceeding towards his house in his tempo
four miscreants in two motorcycles intercepted and on pistol
point tried to snatch his belongings and tempo but on raising
alarm the villagers assembled and two of them were caught
including the petitioner while two managed to flee away. On
search one live cartridge each was found in the pocket of the



petitioner and other co-accused. The motorcycle also was alleged to be stolen one.

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 no case under the Arms Act is made out against him, no overt act has been committed and at best it is a case under Section 37-B of the Arms Act which is bailable in nature. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for nearly four 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, Aurangabad in connection with Barun P.S. Case No. 58 of 2018, subject to the following conditions :

- (i) 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.



- (ii) 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.

Rajesh/Pragya

(Nilu Agrawal, J)

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