

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.407 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- BALIYA District- Begusarai

Sarbin Kumar @ Sabin Kumar (Male), aged about 22 years, son of Arjun Yadav resident of Village- Sadanandpur, P.S.-Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Ballia P.S. Case No. **35 of 2018** registered for the offence punishable under Sections 326/34, 307/341/279 of the Indian Penal Code and Section 25(1-AA) and 27(2) of the Arms Act.

Informant has alleged that while he was returning his home after his official duty, four persons among whom three are named and one is unnamed dashed his motorcycle with their Scorpio vehicle and, thereafter, allegation against all the four persons is of indiscriminate firing upon the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case on account of admitted enmity. Petitioner has no criminal antecedent and he is in custody since 17.07.2018.



Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail, **after framing of charges against him**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Ballia P.S. Case No. **35 of 2018**, 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 the 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)

Sanjay/-

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