

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7818 of 2019

Arising Out of PS. Case No.-169 Year-2017 Thana- EKANGARSARAI District- Nalanda

Pappu Mian @ Md. Jahangir Alam Son of Md. Latif Resident of Village -
Kashaba, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-02-2019 Heard learned Senior counsel for the petitioner and
learned counsel for the State.

The petitioner is in custody since 05.10.2017 in connection with Sessions Trial No. 746 of 2017 arising out of Ekangar Sarai P.S. Case No. 169 of 2017 for the offence registered under Sections 399, 401, 402 and 414 of the Indian Penal Code and Section 25 (1-b) a, 26/35 of the Arms Act.

Learned counsel for the informant is also present, who submits that the petitioner after having been granted bail in criminal appeal, which is pending, the petitioner has been indulged in such acts leading to registration of the present case. It is further submitted that one pistol and one live cartridge apart from a mobile, is said to have been recovered from the possession of the petitioner. Therefore, he is not entitled to the



privilege of bail as he is clearly having criminal antecedent which does not allow him to further indulgence by this Court.

A counter affidavit has been filed in this case stating therein that except three cases, the petitioner has also been accused in two other cases and therefore, the petitioner is not entitled to the privilege of regular bail.

Learned senior counsel for the petitioner submits that in the earlier case, in which, the petitioner was granted bail in criminal appeal, the informant is a police officer, who is out and out having a vendatta against the present petitioner and has nabbed him in connection with the present case without there being any valid reasons and the alleged recoveries were not from his conscious possession. It is further submitted that though the antecedents have already been indicated in paragraph-3 of the application, the petitioner undertakes to cooperate in all further investigation and shall also appear before the trial court as and when required. It is further submitted that charge has already been framed in this case but he is unable to indicate the exact date.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Hilsa, Nalanda in connection with Sessions Trial No. 746 of 2017 arising out of Ekanagar Sarai P.S. Case No. 169 of 2017, subject to the following conditions:-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.
2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
4. The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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