

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5136 of 2019

Arising Out of PS. Case No.-597 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

Ishwar Dayal Ram Dina Nath Ram Vill.- Panchi, P.S.- Sonhan, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 15-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Mohania P.S. Case No. 597 of 2018 registered for the offence punishable under Sections 25(1-b)A, 26, 35 of the Arms Act and 37(1)(2) of the Bihar Prohibition and Excise Act.

Informant has alleged that while he was on patrolling duty, he received information that three persons in drunken state standing at Gazipur-Banaras road near hotel Muthani. On such information, he alongwith police personnel reached there and saw that several persons have caught hold a person and they took him under their possession and on interrogation he disclosed his name as Ishwar Dayal Ram. On search one country made pistol and one mobile was recovered from the possession of petitioner and he disclosed name of his two associates.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to enmity. Nothing has been recovered from his possession. Petitioner has no criminal antecedent and he is in custody since 05.10.2018.

Considering the aforesaid facts 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 Special Judge (Excise), Kaimur at Bhabua, in connection with Mohania P.S. Case No. 597 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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)

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