

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10696 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- LAHERIMUHALLA District- Nalanda

SANTOSH KUMAR, aged about 32 years, Male, son of Late Rajendra Prasad
@ Rajendra Ram, Resident of Mohalla - Mathuriya Nauatoli, P.S. - Laheri,
Distt.- Nalanda ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Sharma, Adv.
For the Opposite Party : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
28.10.2018 in connection with Laheri P.S. Case No. 345 of 2018
for the offences alleged under Sections 25(1-b)a, 26 and 35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that two persons have fired on
one Sunny Kumar who has been injured on his abdomen and
have thereafter hidden themselves in the house of the petitioner,
the police conducted raid and the petitioner along with another
Sonu Kumar was arrested and from the possession of Sonu
Kumar one pistol was recovered and two live cartridges were
also recovered under the bed from the house of the petitioner.
Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and the house is a joint family property, charge sheet hasg been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases under the Arms Act is pending against the petitioner.

Considering the facts and circumstances and the nature of allegations as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Laheri P.S. Case No. 345 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, 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) Petitioner will appear before the learned Court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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.

(Nilu Agrawal, J)

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