

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8374 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- BALIYA District- Begusarai

MURARI SINGH, Male, aged about 29 years, Son of Rambilash Singh, R/o
village- Rahatpur, P.S- Ballia, district Begusarai ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
07.07.2018 in connection with Baliya P.S. Case No. 192 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 investigation of three cases pending against
the petitioner the police personnel reached the house of the
petitioner and apprehended the petitioner and one Karu Singh.
From the possession of the petitioner one revolver with six live
cartridges were recovered while from the other co-accused one
country made pistol with nine live cartridges were recovered.
Accordingly, seizure lists were 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. No overt-act is alleged to have been
committed and just because the petitioner is accused in some



other cases, he has been falsely implicated in the present case. It is, further, submitted that in old cases the petitioner has been enlarged on bail and except one, petitioner is on bail in all other cases. It is, further, submitted that the apprehended co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 79353 of 2018, dated 11.01.2019. He, further, submits that charge sheet has already 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, is a habitual offender and as many as 11 cases are pending against him for different offences.

However, considering the facts and circumstances and the materials on record, 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 Baliya P.S. Case No. 192 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, 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.

(iv) If the petitioner is released on bail in all cases, pending against him, he will appear, on his release, on the first week of every month, before the Superintendent of Police, Begusarai till nine months and will be discharged from his appearance by the Superintendent of Police on a certificate of good conduct, failing in appearance on any month will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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