

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10114 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- KHAIRA District- Jamui

BHOLA SINGH, aged about 58 years, Male, Son of Late Rajo Singh,
Resident of Village- Changodih, P.S.- Khaira, District- Jamui

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 02.01.2019 in connection with Khaira P.S. Case No. 1 of 2019 for the offences alleged under Sections 147, 148, 149, 323, 506 and 504 of the Indian Penal Code and under Sections 25(1-b)A, 26, 27 and 35 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was playing with the village children, the petitioner along with other co-accused tried to stop them from playing and started quarreling. The petitioner along with other co-accused fired several rounds and from the Scorpio vehicle of the petitioner one country made pistol and one live cartridge was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history, no overt act has been committed and no injury has been caused out of the alleged firing as alleged by the informant. He, further, submits that the seizure list has not been prepared in compliance to Section 100 of the Criminal Procedure Code as it has not been received by any of the accused, including the petitioner. Petitioner, further, undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

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 Khaira P.S. Case No. 1 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Jamui, 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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