

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10511 of 2019

Arising Out of PS. Case No.-198 Year-2018 Thana- SARAI District- Vaishali

=====

Avinash Kumar, aged about 27 years, S/O Bhanu Sah @ Chandra Bhanu Prasad, Resident of Village- Sarai, P.S. -Sarai, Dist-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Rajendra Singh

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 21-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Sarai P.S. Case No. 198/2018 registered for the offence punishable under Sections 307 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is recovery of one pistol from his possession.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner is in custody since 12.09.2018.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named



above be released on bail **after completion of six months in custody**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIII-cum-Sub-Judge, XIV, Hajipur, Vaishali in connection with Sarai P.S. Case No. 198/2018, with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

Sanjay/-

U		T	
---	--	---	--

