

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13456 of 2019

Arising Out of P.S. Case No.-419 Year-2018 Thana- KOTWALI District- Munger

MD. ARMAN, aged about 28 years, Male, Son of Md. Nasim Resident of
Mohalla- Ghasiyar Mohalla, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
11.10.2018 in connection with Kotwali P.S.Case No.419 of
2018 for the offence alleged under Sections 399 and 402 of the
Indian Penal Code and Sections 25(1-b)a, 26(i)35 of the Arms
Act.

The prosecution case as lodged by the informant
police personnel is that on secret information that some
criminals have assembled, the police reached the spot and
apprehended five persons including the petitioner while one
managed to flee away. From the possession of the petitioner, one
country made pistol and two live cartridges were recovered.
Accordingly a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated due to highhandedness of the police, he was not arrested from the spot rather from his house and no overt-act has been alleged to have been committed, chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating that the petitioner does not bear a clean antecedent as one more case is pending against him.

However, learned counsel for the petitioner submits that in that earlier case lodged against the petitioner, he is on bail.

Considering the nature of allegations and the period of custody as well as that chargesheet has already been submitted, 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 Kotwali P.S.Case No.419 of 2019 (G.R.No.3052 of 2018) to the satisfaction of learned Chief Judicial Magistrate, Munger, 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) 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)

B.Kr./-

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

