

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19455 of 2019

Arising Out of PS. Case No.-517 Year-2018 Thana- GARKHA District- Saran

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SHAMSHER ALAM, Son of Shaukat Ali, Resident of Village - Motirajpur,
P.S- Garkha, Distt.- Saran at Chapra.- 841311

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
27.11.2018 in a case registered for the offences punishable
under Sections 399, 402 and 414 of the Indian Penal Code and
under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the written report of
Nagendra Prasad, A.S.I., of Garkha P.S. submitted to the S.H.O.,
Garkha P.S. is to the effect that on 27.11.2018 at 07.45 P.M., the



informant received a secret informant that some miscreants have gathered in the cattle shed of one Rajan Kumar Singh and are preparing to commit Dacoity. Subsequently, a raid was laid and four accused persons including the petitioner were apprehended. It is further alleged that from the possession of the petitioner, one knife was recovered and from the possession of other co-accused persons, country made pistol, cartridges, motorcycle and Sumo Victa vehicle were recovered.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner and he has falsely been roped in the present case due to some ulterior motive. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was named in the FIR.

Considering the nature of recovery and the fact that the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned **ACJM-XIV, Saran at
Chapra** in connection with **Garkha P.S. Case No.517 of 2018.**

(Dinesh Kumar Singh, J)

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