

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21854 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- MANJHAGARH District- Gopalganj

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AJAY SINGH @ GUDDU BABA @ GUDDU BABU Son of Late Bhagwan Singh Resident of Village- Sareya Basant, P.S.- Taraiya, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 03.07.2018 in connection with Sessions Trial No. 617 of 2018, arising out of Manjhagarh P.S. Case No. 187 of 2018 for offences punishable under Sections 399, 400 and 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some miscreants have gathered in a dilapidated petroleum outlet to commit some crime, the police conducted a raid and apprehended three persons including the petitioner, while some managed to flee away, who were named by the petitioner and other apprehended



co-accused. On search from the possession of the other co-accused arms and ammunition were recovered and from the possession of the petitioner one country-made pistol with 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 and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed against the petitioner, charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and petitioner is languishing in judicial custody for more than 10 months. It is further submitted that one of the co-accused apprehended along with the petitioner has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 1784 of 2019 vide order dated 16.01.2019 and although the petitioner is involved in four cases earlier but in all cases either he has been granted the privilege of bail or has been acquitted.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was caught red-handed.

Considering the nature of allegations, period of



custody and that other co-accused on similar allegations has been granted the privilege of bail, let petitioner, above named, be enlarged 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 2nd Additional Sessions Judge, Gopalganj, in connection with Sessions Trial No. 617 of 2018, arising out of Manjhagarh P.S. Case No. 187 of 2018, subject to the following conditions :

1. 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.
2. 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.
3. 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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