

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21773 of 2019

Arising Out of PS. Case No.-1043 Year-2018 Thana- BETTIAH CITY District- West
Champaran

=====

SHEKHAR PATEL @ SHEKHER PATEL Son of Nandlal Patel Resident of
Village-Sirisiya (Khapwa Tola), P.S-Beerganj (Nepal), District-Parsa, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma
For the Opposite Party/s : Mr.Bhanu Pratap Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.12.2018 in connection with Bettiah Town P.S. Case No. 1043
of 2018 for offences punishable under Sections 399, 402, 414 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 to commit crime, the police conducted a raid and
apprehended all the five persons including the petitioner. On
search, from the possession of the petitioner one country-made
pistol with one loaded cartridge was recovered. A motorcycle



was also found at the place of occurrence, which was alleged to be a stolen one. 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 and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed by the petitioner and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. He further submits that the motorcycle alleged to be stolen one was not recovered from the possession of the petitioner and he is languishing in judicial custody for more than four months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and that charge-sheet has already been submitted coupled with the fact that petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, 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 Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Bettiah Town P.S. Case No. 1043 of 2018, subject to the



condition that 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.

(Nilu Agrawal, J)

Rajesh/-

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

