

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22428 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- PIPRA District- East Champaran

TABREJ @ LUCKY KHAN, aged about 22 years, Male, Son of Bhola Mian,
Resident of Village - Raghunathpur, P.S.- Raghunathpur O.P., District - East
Champaran ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Adv.
For the Opposite Party : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
01.02.2019 in connection with Pipra P.S. Case No. 26 of 2019
for the offences alleged 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 lodged by the police
personnel, is that on secret information that some criminals have
assembled to commit crime, the police conducted a raid and
found six persons fleeing away in two motorcycles on which
four persons were apprehended, including the petitioner, and
two persons managed to flee away. On search, from the
possession of other co-accused arms and ammunitions were
recovered, but, from the possession of the petitioner nothing



was recovered. 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 who was on the way for work and arrested due to the high handedness of police. It is, further, submitted that no overt act has been committed by the petitioner and only on suspicion the petitioner has been made accused. Petitioner is languishing in judicial custody since 01.02.2019 and similarly situated co-accused, Rana Kumar, in whose possession nothing was recovered, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 23092 of 2019, dated 10.04.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear a criminal antecedent, as stated in paragraph 3 of the present application, 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 Pipra P.S. Case No. 26 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, or the successor Court 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)

Shamshad/-

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

