

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23999 of 2019

Arising Out of PS. Case No.-297 Year-2018 Thana- WARISNAGAR District- Samastipur

UDAY RAY @ UDAI RAI S/o Mahendar Ray R/o village- Bankipur, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 30.10.2018 in connection with Warisnagar P.S. Case No. 297 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 are planning to robe businessman Kanhai Sah, the police reached the place and apprehended five persons including the petitioner in three motorcycles, who tried to flee away. On search, from the possession of the petitioner one country-made pistol with one live cartridge 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. He submits that no overt act has been alleged against the petitioner and petitioner is languishing in judicial custody for more than five months.

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

Considering the nature of allegations and the materials on record as well as the period of custody coupled with the fact that the 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, Samastipur, in connection with Warisnagar P.S. Case No. 297 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. 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)

Rajesh/-

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