

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.78698 of 2018**

Arising Out of PS. Case No.-329 Year-2018 Thana- HARSIDHI District- East Champaran

Malay Singh Son of Yogendra Singh, resident of Village- Taraiya, P.S.-  
Taraiya, District- Saran Chapra.

.. ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1 (APP)

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      18-01-2019                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in  
connection with Harisidhi P.S. Case No. 329 of 2018 registered  
for the offences punishable under Sections 25(1-b), a, 26, 35 of  
the Arms Act.

Informant who is a police officer has alleged in his  
written complaint that on specific information that miscreants  
have assembled at the residence of Tuntun Singh to commit  
dacoity, he reached the house and on seeing the police  
miscreants assembled there tried to flee away. However, eight  
persons were apprehended and arms and ammunition were  
recovered from the possession of co-accused.

It has been submitted on behalf of the petitioner  
that he is innocent and has committed no offence. He has been



falsely implicated in this case on the basis of suspicion and nothing has been recovered from his possession. Petitioner is in custody since 11.08.2018. Similarly placed co-accused has been granted bail by co-ordinate bench of this court as contained in Annexure-2.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon 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, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 329 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/-

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