

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.828 of 2021

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

PAPPU MIAN @ PAPPU MIYA Son of Saheb Hussain @ Salim @ MD Saleem Miya Resident of Village - Harkhauli (Chai Tola), P.S.- Mirganj, Distt.- Gopalganj. At Present Resident of Village - Pratappur Surwania Tola, P.S.- Manjhagarh, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-03-2021 Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Manjhagarh PS Case No. 187 of 2018 registered under Sections 399, 400 and 402 of the IPC and Sections 25(1-b)a, 26 & 35 of the Arms Act.

On the information regarding planning commission of dacoity at petrol outlet, the police has raided the place and apprehended some miscreants while others have allegedly fled away.

It is submitted by learned Counsel for the petitioner that from co-accused Ajay Singh a country made pistol and recovered and he was arrested at the spot. He however has been allowed bail vide Cr. Misc. No. 21854 of 2019. The petitioner has been apprehended merely because his name has been stated by the co-accused. Such implication of the petitioner is unsustainable as it is based on



statement of co-accused. He is in custody since 7.1.2020 and the petitioner has one criminal antecedent as per disclosure made in para 3 of the petitioner. There is no recovery of any incriminating material from the petitioner.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gopalganj in Manjhagarh PS Case No. 187 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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