

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40464 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. BABUL KUMAR @ SUDIP KUMAR @ RAHUL KUMAR, S/o Late Nageshwar Singh, Resident of Village- Sulindabad, Ward No.3, P.S.- Sadar Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 17.02.2017 in connection with Saharsa P.S. Case No. 137/2017 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that some motorcycle borne criminals entered his shop and started indiscriminate firing. However, the informant hid himself and saved his life. Allegation is that earlier one of the co-accused Sohan Jha demanded ransom of Rs. 5 lakhs and the petitioner along with co-accused Sohan Jha, Sachin Kumar and Chhotu



Kumar in order to terrorize the informant resorted to indiscriminate firing.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, no injury has been caused and no ransom was paid. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and that one of the co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36863 of 2017 on 16.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the empty cartridges and four pellets have been recovered from the place of occurrence.

Considering the facts and circumstances and the materials on record, 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, Saharsa, in connection with Sadar Saharsa P.S. Case No. 137/17, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court



concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Nilu Agrawal, J)

Rajesh/-

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