

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37007 of 2014

Arising Out of PS.Case No. -120 Year- 2009 Thana -DEO District- AURANGABAD

Dara Bhuiyan Son of Late Keshav Bhuiyan @ Keshwar Bhuiyan resident of
village Golha, P.S. Dhibra, Distt.- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51024 of 2014

Arising Out of PS.Case No. -120 Year- 2009 Thana -DEO District- AURANGABAD

1. Sheo Bhuiyan Son of Bipat Bhuiyan R/o Village - Dulara, P.S. Dhibra,
Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.37007 of 2014)

For the Petitioner/s : Mr. Kamlendra Pd. Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

(In Cr.Misc. No.51024 of 2014)

For the Petitioner/s : Mr. Kamlendra Pd. Singh

For the Opposite Party/s : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 06.04.2015 Both the above stated petitions arise out of Deo P.S. Case
no. 120/2009 registered under sections 144, 427 of the Indian Penal
Code, section 3 of the Explosive Substance Act, section 3 of the
Damage of Public Property Act as well as section 17 of the CLA Act
and accordingly, both the above stated petitions are being disposed of
by this common order.

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

Petitioners are named in the first information report on the basis of disclosure made by the villagers and in course of investigation confessional statements of some accused including petitioners were recorded.

Learned counsel appearing for the petitioners submits that while granting bail to some co-accused, this court noticed that confessional statement of a dead person was recorded by the police and the aforesaid fact goes to show falsity of the prosecution case. It is further contended by him that several co-accused persons have either been granted privilege of bail or acquitted after trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind the period of detention of the petitioners in jail custody, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in Deo P.S. Case no. 120/2009 subject to the condition that petitioners shall attend the learned trial court in person on each and every date for the period of nine months or till conclusion of their trial whichever is earlier and if they fail to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

shahid

(Hemant Kumar Srivastava,J)

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