

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42600 of 2014

Arising Out of PS.Case No. -81 Year- 2014 Thana -BARIYARPUR District- MUNGER

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Mohd. Murshid, Son of Late Sahuddin, Resident of Village - Mirjapur
Bardah, P.S. - Muffasil, Dist.-Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.45113 of 2014

Arising Out of PS.Case No. -81 Year- 2014 Thana -BARIYARPUR District- MUNGER

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Rishideo Kumar, son of Shailendra Yadav, resident of village-Sita Kund
Dih, P.S.-Munger Muffasil, District-Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.42600 of 2014)

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. Md. Aslam Ansari, Addl.P.P.

(In Cr.Misc. No.45113 of 2014)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Bharat Bhushan, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 21-01-2015 Since both the bail applications arise out of common police station case, therefore, both the matters have been heard together and are being disposed of by this common order.

Both the petitioners seek bail with respect to a criminal prosecution registered for the offences under the provisions of the Arms Act.

It is submitted that the petitioners were bonafide passengers of a public transport from where the recovery of fire arms was made. It is also highlighted that the petitioners are in judicial custody since 29.06.2014 and they are men of absolutely

fair antecedents.

Be that as it may, in the facts and circumstances of the case particularly taking into consideration the period of their incarceration, the petitioners of both the cases above named are directed to be released on bail on furnishing bail bond of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV, Munger in connection with Sessions Trial No.849 of 2014, arising out of Bariyarpur P.S.Case No.81 of 2014, subject to the conditions that:

- (A) One of the bailors of both the petitioners shall be a government servant and other bailor shall be either a family member or a close relative of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

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(Birendra Prasad Verma, J)