

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45753 of 2014

Arising Out of PS.Case No. -289 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Afsar Ali @ Asraf Ali Son of Nizamuddin Resident of Village - Mirganj,
Police Station - Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48656 of 2014

Arising Out of PS.Case No. -289 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Tinku Ali @ Mohammad Ekbal son of Late Gul Mohammad Resident of
village - Mirganj, West Mohalla, Police Station - Mirganj, District -
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45753 of 2014)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. S.Dayal(App)

(In Cr.Misc. No.48656 of 2014)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 18-02-2015 Heard the learned counsel for the petitioners as well

as the learned A.P.P.

Both the Criminal Miscellaneous applications arise

out of the same police station case as such both are being disposed

of by passing this common order.

The petitioners seek bail in a case for the offences punishable under sections 399, 402, 414, 467, 468 and 120 (B) of the I.P.C

At the very out set it has been submitted by the learned counsel for the petitioners that in this case other co-accused have been allowed bail either by this Court or by the learned court below itself. Co-accused Subodh Kumar has been allowed bail by another Bench of this Court in Cr. Misc. No. 4128 of 2015 vide order dated 30.01.2015 and the petitioners are suffering in custody having similar allegations. No arms have been recovered either from possession of the petitioners or from other co-accused. The learned A.P.P. is not in a position to distinguish the case of the petitioners.

In the facts and circumstances as stated above, the petitioners of both the criminal miscellaneous applications are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Gopalganj in Gopalganj P.S. Case No. 289 of 2014, 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.

(Jitendra Mohan Sharma, J)

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