

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48135 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -MOKAMAH District- PATNA

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Mohan Sao Son of Nawal Sao Residnet of village- Mekradih, Police
Station- Mokama, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48330 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -MOKAMAH District- PATNA

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Dharmendra Paswan S/o Gayani Paswan Resident of Village Garaigouri,
P.S. Mokama, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48609 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -MOKAMAH District- PATNA

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Sunil Kumar @ Salo Yadav son of Gopal Yadav, resident of village
Sahnaura, P.S. Pandarak, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48135 of 2014)

For the Petitioner/s : Mr. Chandra Sen Prasad Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastav, APP

(In Cr.Misc. No.48330 of 2014)

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. APP

(In Cr.Misc. No.48609 of 2014)

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-02-2015

Since all these three matters arise out of common police
station case, therefore, they have been heard together and are
being disposed of by this common order.

The petitioners of all these three cases seek bail in a criminal prosecution registered under Sections 399, 402, and 414 of the Indian Penal Code as also under Section 25(1-B) (a)/26/35 of the Arms Act.

It is submitted that the petitioner- Mohan Sao of Cr. Misc. No. 48135 of 2014 was not apprehended on the alleged place of occurrence, but he has been named by co-accused persons before the police. It is further submitted that the petitioners Sunil Kumar @ Salo Yadav of Cr. Misc. No. 48609 of 2014 and Dharemendra Paswan of Cr. Misc. No. 48330 of 2014 though were arrested on the alleged place of occurrence, but from possession of the petitioner Sunil Kumar @ Salo Yadav, no firearm was recovered and only one mobile set belonging to him was seized. So far petitioner Dharemendra Paswan is concerned, it is submitted that only one cartridge was recovered. It is highlighted that all the petitioners are in judicial custody for more than five months.

Taking into consideration the period of incarceration, their prayer for bail is allowed. The petitioners of all the three 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 A.C.J.M., Barh, District Patna in connection with Mokama P.S. Case No. 165 of 2014 , subject to the conditions that:

- (A) One of the bailors shall be a government servant
- (B) Other bailor shall be either family member or close relative of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,

- (C) 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 the 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 and
- (D) 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 dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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