

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45756 of 2014

Arising Out of PS.Case No. -127 Year- 2012 Thana -KHAGARIA District- KHAGARIA

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1. Sanjay Sada Son of Mano Sada Resident of Village - Sonvarsa, P.S. - Simri Bakhtiarpur, District - Saharsa.
 2. Manoj Sada @ Kundan Sada Son of Lalo Sada Resident of Village - Piparpanti, P.S. - Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur

For the Opposite Party/s : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 18-02-2015 Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 147, 148, 149, 307 and 364 of the I.P.C section 27 of the Arms Act as also section 3 of the Explosive Substance Act.

Allegedly the informant, who was Station House Officer of Morkahi Police Station got telephonic information that firing is going on in between the gang of Ramanand Yadav and Manoj Sada @ Kundan Sada and accordingly the informant and other police personnel went there but till then both the gangs have disappeared and it is said that one

injured Arun Rai was taken away by the gang of Ramanand Yadav and at the place of occurrence one blood stained towel and three empty cartridges were recovered. The petitioners are said to be the members of one of the gang.

Submission is that there is no eye witness. There is nothing against the petitioners and how the petitioners have been named is also not known. Only on suspicion the petitioners have been implicated. The petitioners have got criminal antecedents but only on that basis they cannot be detained in custody. Petitioner Manoj Sada @ Kundan Sada is in custody since 19.12.2013 whereas petitioner Sanjay Sada is in custody since 15.03.2014. The learned A.P.P. submits that the petitioners have got criminal antecedents.

In the facts and circumstances as stated above, the petitioners 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 Ad-hoc Additional Sessions Judge IIIrd, Khagaria in Sessions Case No. 204 of 2014 arising out of Khagaria (Morkahi) P.S. Case No. 127 of 2012, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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