

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11174 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -ASARGANJ District- MUNGER

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Md. Mansur, Son of Md. Kamal, resident of village Rampur, P.S. Tarapur,
District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.17256 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -ASARGANJ District- MUNGER

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Sonu Singh, Son of Ram Bhajjo Singh, Resident of village - Auranga, P.S.
Tarapur, Distt. Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.11174 of 2015)

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Uday Chandra Prasad, APP

(In Cr.Misc. No.17256 of 2015)

For the Petitioner/s : Mr. (Dr.)Amrendra Rai

For the Opposite Party/s : Mr. S.N Shukla, APP

For the Informant : Mr.Md.Nazir Hoda

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-05-2015

Heard.

Since both the bail applications arise out of a common police station case, therefore, both of them have been heard together and are being disposed of by this common order.

The petitioners of both the applications seek bail in a criminal prosecution registered under Sections 394/302 of the Indian Penal Code as also under Section 27 of the Arms Act.



It is submitted that the petitioners are not named in the FIR vide Annexure-1 as accused persons and they have not been put on T.I. Parade till date, though they are in judicial custody for quite a long time. It is also contended that no incriminating article has been recovered either from their house or from their possession. It is next contended that only material against the petitioners is that they have been named by a co-accused Nawal Kishore in his alleged confessional statement recorded by the police, but the aforesaid co-accused Nawal Kishore has already been granted bail by an order dated 04.03.2015 (Annexure-2) passed in Cr.Misc.No.45299 of 2014 by a Bench of this Court. It is also contended that only accused named in the FIR Ramdeo Mandal has already been granted bail by the learned court below.

Taking into consideration the aforesaid aspects, the prayer of the petitioners for grant of bail is allowed. The petitioners 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 Judicial Magistrate-1st Class, Munger in connection with Asarganj P.S.Case No.43 of 2014, subject to the conditions that:

- (a) One of the bailors shall be government servant
- (b) other bailor shall be 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 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;

- (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 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.

(Birendra Prasad Verma, J)

Arvind/-

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