

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40062 of 2014

Arising Out of PS.Case No. -71 Year- 2014 Thana -KHUSRUPUR District- PATNA

Mithilesh Kumar @ Bablu Son of Dhanaraj Singh Resident of Village -
Bela, P.S. - Paliganj, District - Patna, at present Chandmari Road, Phulphari
Devi Path, Near Vinod Press (Temple), P.S. - Kankarbagh, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44271 of 2014

Arising Out of PS.Case No. -71 Year- 2014 Thana -KHUSRUPUR District- PATNA

Niraj Kumar @ Kallu @ Niraj Son of Deepan Prasad resident of Mohalla-
Yadubans Nagar, Sonaru (Near Om Utsaw Hall), Police Station- Fatuha,
District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49118 of 2014

Arising Out of PS.Case No. -71 Year- 2014 Thana -KHUSRUPUR District- PATNA

Shankar Kumar Son of Shri Raj Kishore Prasad Resident of Sonaru Fatuha,
P.S. - Fatuha, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 09-02-2015 All the three applications arise out of Khusrupur P.S.
Case no. 71 of 2014, as such, they have been heard together and
are being disposed of by this common order.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence punishable under Sections 399, 402, 307 and 353 of the Indian Penal Code and Sections 25(1-b)A, 26, 27 and 35 of the Arms Act and also Sections 3 / 4 of the Explosive Substances Act.

The allegation against the petitioners and others is that they assembled to commit an offence. After seeing the police party they started firing. The police apprehended eight accused including the petitioners. The allegation is that one bomb and four cartridges were recovered from the possession of Mithilesh Kumar @ Bablu, two bombs and three live cartridges were recovered from the possession of Neeraj Kumar @ Kallu and one loaded pistol and two cartridges were recovered from the possession of accused Pankaj.

It is submitted that they have no criminal antecedent. No one was injured. They are in custody since 26.5.2014. After investigation chargesheet has also been submitted. There is no chance of tampering with the witnesses.

Considering the facts and circumstances of this case, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna City, in Khusrupur P.S. case no. 71 of 2014 with the following conditions :

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1. One of the bailors will be the close relative of the petitioners.
 2. The petitioners will not indulge in similar or in any other offence.
 3. The petitioners will be well represented in the court.
 4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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