

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43196 of 2015

Arising Out of PS.Case No. -438 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

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1. Dashrath Ram @ Himansu @ Ganesh Bharti @ Gautam, son of Sri Bhagwat Ram, resident of village- Berai, Post- Berai, Police Station- Hathauri, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Indu Kri.Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 10-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner is suffering in custody since 28.10.2014 in a case registered for the offences punishable under Sections 25(1-B)A, 26/35 of the Arms Act and 17, 18, 19, 20, 21 and 23 of the unlawful Activities (Prevention) Act. From possession of the petitioner one country made loaded kata and two live cartridges were recovered.

Submission is of false implication and that the petitioner has no criminal antecedent and earlier the prayer of bail of the petitioner was refused vide Criminal Appeal No. 126 of 2015 (DB) wherein opportunity was given to the petitioner to renew his prayer after completion of investigation and now the investigation has already been completed and in view of the Full Bench decision of this Court report in 2015(2) PLJR 289 the

prayer of bail is maintainable further it has been submitted that other co-accused similarly situated namely DeepLal @ Dipu Sahani@ DeepLal Sahni and Brijnandan Das have been allowed bail vide Criminal Misc. No. 16033 of 2015 and 18129 of 2015 by another co-ordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration to which learned A.P.P. is not in a position to distinguish the case of the petitioner.

In the facts and circumstances stated above, considering the custody of the petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Session Judge Cum Special Judge, Muzaffarpur, in connection with Minapur P.S. Case No. 438 of 2014 subject to the conditions that one of the bailors must be 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)

siddharth/-

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