

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51864 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -DEORIYA District- MUZAFFARPUR

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Anil Sah @ Santosh Sah S/o Late Rambriksha Sah R/o Village- Thathan Bujurg, P.S.- Hajipur Sadar, District- Vaishali (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Deoriya P.S. Case No. 30 of 2014 registered for offences under sections under sections 121, 121(a), 120(B), 414, 420 (b) of the I.P.C. and Sections 10, 11, 17, 18, 18(A), 18(B), 19, 20 U.A.P. Act and 25(1-b)a, 26,35 of the Arms Act and 17 of the C.L. Act.

The Police apprehended four persons while they were moving on motor cycle. On search, three live cartridges and one black colour motor cycle have been recovered from the possession of the petitioner. During interrogation, the petitioner and others submitted that they were going to attend a meeting of *nuxal* and

they were member of that group.

The counsel for the petitioner submits that the petitioner was arrested on 13th March 2014 but the Police produced him before the Magistrate on 16th March 2014, so much so that other similarly situated persons from whom the similar type of recovery has been made, have been granted bail by this Court in Cr. Misc. No. 32086 of 2014 (Rakesh Thakur @ Rakesh Kumar Thakur @ Shankar Thakur @ Shankar Kumar Thakur @ Satyan Jee vs. State of Bihar, Cr. Misc. No. 35367 of 2014 (Basant Kumar vs. State of Bihar) and Cr. Misc. No. 38450 of 2014 (Rohit Sahni @ Bablu Sahni @ Gautam Sahni vs. the State of Bihar).

The petitioner is in jail since last 22 months.

Looking to the period of custody of the petitioner, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Deoriya P.S. Case No. 30 of 2014, subject to the condition that (i) one of the bailors shall be father/mother/wife of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail (iii)

the petitioner would cooperate the proceeding of the court below.

In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Police by 7th of every month.

(Shivaji Pandey, J)

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