

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51252 of 2015

Arising Out of PS.Case No. -28 Year- 2009 Thana -SALAIYA District- AURANGABAD

- =====
1. Gopi Mistri S/O Ramu Mistri R/o Village- Sahosaray, P.s.- Salaiya, District- Aurangabad (Bihar)
2. Kail Prajapati @ Akash Jee S/o Indradeo Prajapati R/o Village- Ajan, P.S.- Goh, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-02-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Salaiya P.S. Case No. 28 of 2009 registered for the offences punishable under Sections 147, 148, 149, 427, 431 and 307 of the Indian Penal Code and Section 27 of the Arms Act and Section ¾ of E.S. Act and Section 17 of the C.L.A. Act.

Allegedly, the informant and other police personnel received information that towards Bela Hasanpur the extremists had exploded the small bridge and then the police officials proceeded towards that place and heard that someone was calling the name of petitioner no. 2 and other co-accused to run away

from the place of occurrence, 6 meter wire and a piece of cane bomb were seized, during investigation the name of petitioner no. 1 also transpires.

Submission is of false implication and that in this case, Akhilesh Yadav who is also named in the First Information Report, has already been allowed bail vide Cri. Misc. No. 38077 of 2010 and further co-accused Bisundeo Mishtri @ Sanni and others have been allowed bail vide Cri. Misc. No. 27386 of 2011 and Awadesh Yadav @ Shambhu Jee @ Shankar Jee @ Shyam Jee has been allowed bail vide Cri. Misc. No. 21127 of 2011 and the petitioners are suffering in custody since 29.05.2015 and 16.05.2015 respectively.

The learned A.P.P. opposes the prayer of bail by submitting that petitioner no. 1 is involved in two more cases whereas, petitioner no. 2 is involved in eight more cases which is evident from para-3 of the application itself.

In the facts and circumstances stated above, considering that other co-accused have been allowed bail and as such the petitioners are also directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Aurangabad (Bihar) in

connection with Salaiya P.S. Case No. 28 of 2009 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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