

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54532 of 2016

Arising Out of PS.Case No. -50 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

- =====
1. Kail Prajapati @ Akashjee, S/o Indradeo Prajapati, R/o Village- Ajan, P.S.- Goh, District- Aurangabad (Bihar).
 2. Sunil Khatri, S/o Shankar Lal, R/o Village- Jakhim, P.S.- Rafiganj, District- Aurangabad (Bihar).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Lal Bahadur Singh, Advocate

For the Opposite Party : Mr. Md. Anzarul Haque Sahara (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Rafiganj P.S Case No. 50 of 2014 registered for the offences punishable under Sections 307 of the Indian Penal Code and Section 3/5 of Explosive Substance Act and Section 150 and 152 of the Indian Railway Act and Section 17 C.L.A Act.

Allegedly, 20-25 extremists with arms and explosive under the leadership of Lalaji @ Baba Ji @ Chaneshwar Rajak, consisting of petitioners, Ram Pravesh Yadav, Gore Lal Tadv, Sunni, Bihari Rawani, Subhash Yadav, Sanoj Sao and Kamlesh Yadav and others were seen moving towards Deo Halt with a view



to blow up the Railway Track and cause danger to life and Railway property. The informant reached there and found a wire leading to Railway track, there was a ditch also. The miscreants succeeded to flee away in taking advantage of darkness and from the place of occurrence, wire, detonators etc were seized.

Submission is of false implication and that the petitioners are in custody since 28.03.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, there is no specific allegation against the petitioners, similarly situated co-accused Sbhash Yadav has been allowed bail vide Cr. Misc. No. 24445 of 2016 by another co-ordinate Bench of this Court and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. submits that the petitioners are named in the F.I.R.

In the facts and circumstances stated above, the petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, Aurangabad (Bihar), in connection with Rafiganj P.S. Case No. 50 of 2014, subject to the conditions that one of the bailors must be a 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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