

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57242 of 2017

Arising Out of PS.Case No. -24 Year- 2011 Thana -AMBA District- AURANGABAD

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Binod Bhuiyan S/o Ram Lagan Bhuiyan, R/o Village- Sahiyari, P.S.-
Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :M/s Ashok Kr. Singh and Abhishek Kr. Singh, Advs.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Amba Police Station Case No. 24 of 2011 registered for offences punishable under sections 147, 148, 149, 341, 323, 379, 435, 427 and 384 of the Indian Penal Code, 27 of the Arms Act, 17 of the C.L.A. Act and section 3/4 of the D.P. Act.

The case has been registered against 15-20 unknown extremists. It is alleged that on 05.04.2011 altogether 15-20 extremists came at the place of informant where construction was going on and sprinkled kerosene oil on J.C.B. machine and put the same on fire on account of denial of payment of extortion money.



It has been submitted that one co-accused Arjun Bhuian @ Arjun Bhuiyan was arrested who has confessed his complicity in the above crime and disclosed the name of this petitioner. The said Arjun Bhuian has already been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 17025 of 2012 and the case of the petitioner stands on similar footing to the case of co-accused who has been allowed bail in the above case and so the petitioner also deserves bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the nature of allegation and fact that the case of this petitioner stands on similar footing to the case of co-accused who has been allowed bail by one of the coordinate Bench of this Court in the above case, the prayer for bail of the petitioner is allowed and he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Amba Police Station Case No. 24 of 2011, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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