

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53471 of 2016

Arising Out of PS.Case No. -217 Year- 2016 Thana -KATORIA District- BANKA

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Kismat Khaira @ Kismat Kumar Bhokta, Son of Lakhan Khaira, resident of
village - Bangama, Police Station - Belhar, District – Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDE

6 21-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Katoriya
(Suiya) P.S. Case No.217 of 2016 registered under Sections
25(1-b)a and 26 of the Arms Act, Sections 3/4 of the Explosive
Substance Act and Section 17 of the C.L.A. Act.

The accusation is that the petitioner was apprehended by
the police in suspicious condition and on search, one loaded
country made pistol was recovered from the left side of waist of
the petitioner whereas one bundle thin wire, four pieces of
detonator, four pieces of Neojal explosive substance, four pieces
Nippo battery and one live cartridge were recovered from the bag



of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is the brother of Mantu Khaira, who is said to be involved in naxal activity and due to that reason, the petitioner has also been falsely implicated in this case showing the aforesaid recovery from his possession. Moreover, the petitioner having no criminal antecedent is in custody since 22.07.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Katoriya (Suiya) P.S. Case No.217 of 2016. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner. Further, the petitioner shall attend the trial court on each and every date fixed in the case, during the course of the trial. If the petitioner fails to attend the trial court, on two consecutive dates, during the course of the trial, without any reasonable cause being shown, the trial



court would be at liberty to cancel the bail bond of the petitioner.

(Rajendra Kumar Mishra, J)

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