

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4913 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -CHANDAN District- BANKA

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1. Sikandar Khaira, son of Parmeshwar Khaira, resident of Village- Gari Pidra, P.S.- Chandan, District- Banka.
 2. Arjun Khaira, son of Late Fakir Khaira, at Piluwa, P.S.- Chandan, District- Banka.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-03-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners are accused in connection with Chandan (Anandpur) P.S. Case No. 73 of 2016, registered under Sections 121, 121A, 120B of the Indian Penal Code, Section 25(1-b)a, 26,35 of the Arms Act, Section 3 /4 of Explosive Substance Act, Sections 9, 10, 11, 13, 16, 17, 18 and 20 of UAP Act and Section 17 of Criminal Law Amendment Act.

The accusation is that on receiving secret information about gathering of Mantu Khaira, Area Commander of extremists along with his associates in village Piluwa. The Police personnel reached there, where both the petitioners were apprehended in sleeping condition. On search, one loaded rifle along with 130 cartridges was recovered from the possession of petitioner No.1 and one hand grenade is said to be recovered



from the possession of petitioner No.2.

Learned counsel for the petitioners submits that it would appear from the F.I.R. itself that both the petitioners were apprehended in sleeping condition in village Piluwa. Further submission is that both the petitioners have no criminal antecedent are in custody since 03.11.2016.

Having regard to the facts and the circumstances of the case, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Banka in connection with Chandan (Anandpur) P.S. Case No.73 of 2016. Out of two sureties, one surety must be the close relative of the petitioners, who will file an affidavit showing his relation with the petitioners and further the petitioners shall remain present on each and every date during the course of the trial in the court below. If the petitioners fail to remain present on two consecutive dates during the course of the trial without any reasonable cause being shown, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

(Rajendra Kumar Mishra, J)

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