

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27485 of 2017

Arising Out of PS.Case No. -88 Year- 2014 Thana -KHUTAUNA District- MADHUBANI

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Abinash Kumar Das @ Guddu Das, Son of Vijay Das, Resident of
Village- Bhajanaha, P.S. Laukaha, District- Madhubani.

.... 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 ORDER

5 28-08-2017 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Khutauna
P.S. Case No.88 of 2014/G.R. Case No.1723 of 2014 registered
under Sections 386, 379 and 307 of the Indian Penal Code besides
Sections 25(1-B), 26, 27 and 35 of the Arms Act.

The accusation is that three persons, borne on one
Apachi Motorcycle, came at the house of the informant Pankaj
Kumar Sahu. Thereafter, the driver of the motorcycle, demanded
two liters petrol and when the informant gave the same then he



also demanded one liter petrol. As soon as the informant came with one liter petrol, in the meantime, all the three person started to flee away on the motorcycle but the informant catching hold of the person boarding on rider seat, made demand of the price of the petrol. Thereupon, the driver of the motorcycle got down from the motorcycle and pointed a pistol on the informant. On hulla, being raised by the informant, his mother, uncle and others assembled there. At that time, the persons, who were sitting on the riding seat of the motorcycle, fled away and the driver of the motorcycle tried to flee away by opening fire but his motorcycle fell down and the driver of the motorcycle was apprehended and from his possession, one country made pistol loaded with one empty cartridge was snatched by them, however, the driver of the motorcycle succeeded to flee away. The miscreants, who succeeded in fleeing away, were identified by the uncle of the informant and others as Guddu Das (petitioner), Ratnesh Das and Pawan Kumar Das.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case and is in custody since 03.12.2014. While the petitioner is accused in five other cases, as detailed in paragraph-2 to the supplementary affidavit filed on behalf of the petitioner, but in all



the cases, the petitioner is on bail. Further submission is that the co-accused Ratnesh Das has already been granted bail by a Bench of this Court vide order dated 09.07.2015 passed in Criminal Misc. No.23593 of 2015.

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 Additional Chief Judicial Magistrate-III, Jhanjharpur, District-Madhubani, in connection with Khutauna P.S. Case No.88 of 2014. 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 bonds of the petitioner.

(Rajendra Kumar Mishra, J)

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