

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50121 of 2017

Arising Out of PS.Case No. -16 Year- 2016 Thana -LAXMIPUR District- JAMUI

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1. Arjun Khaira, S/o Late Fakira Khaira, R/o Village- Pilliue, P.S.- Chanah,
District- Banka.

2. Rinku Burnwal @ Rinku Modi @ Ranjab., S/o Raj Kumar Burneal, R/o
Village- Katoria, P.S.- Katoria, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
29.03.2017 in connection with U.A.P Case No. 07 of 2016 arising
out of Laxmipur P.S. Case No. 16 of 2016 for offences punishable
under Sections 147, 148, 149, 12, 121(A), 120 (B) of the Indian
Penal Code, Section 3, 4 and 5 of the Explosive Substance Act,
Section 25 (1-B) a, 26 of the Arms Act and Section 16, 18, 20, 21
and 22 of the U.A.P Act.

The prosecution case, as lodged by the police personnel
is that on secret information that some miscreants have assembled
in Jhopa forest and are planning to commit a crime, police raiding



party started a combing operation and apprehended two persons, seen in suspicious condition, who disclosed their names as Sachin Kumar and Munna Kumar and also disclosed that they are associates of Naxal Commander Mantu Khaira and Praveen Khaira who are holding meeting inside the forest. After seeing the police team, accused persons started fleeing away but one Pravin Kumar @ Gopaljee was apprehended and from his possession some naxal items, country made pistol, one live cartridge, detonator and explosive articles were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the First Information Report. Petitioners were not apprehended nor were seen at the place of occurrence. He submits that no overt act has been committed by the petitioners and that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioners. He further submits that co-accused Sachin Kumar and Munna Kumar have been granted privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 12597 of 2016 on 30.03.2016 and in Criminal Miscellaneous No. 19576 of 2016 on 09.05.2016.

However, learned APP for the State opposes the prayer



for bail stating therein that those accused, who have been granted bail, did not bear any criminal antecedent. Petitioner no. 1 and 2 both have one criminal antecedent under the Arms Act.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jamui, in connection with U.A.P. Case No. 07 of 2016 arising out of Laxmipur P.S. Case No. 16 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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