

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56553 of 2017

Arising Out of PS.Case No. -304 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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1. Jitendra Kumar, Son of Parson Ram, R/o Village- Gotha Semra, P.S.-
Paru, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.56554 of 2017

Arising Out of PS.Case No. -304 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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1. Dharmendra Kumar, son of Pavitar Ram R/o Village Gotha Semra, P.S.
Paru, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.56553 of 2017)

For the Petitioner/s : Mr. Mithilesh Kumar Vidyarthi

For the Opposite Party/s : Mr. Sri Ahmad Ali

(In Cr.Misc. No.56554 of 2017)

For the Petitioner/s : Mr. Mithilesh Kumar Vidyarthi

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-11-2017 As both the above mentioned cases, arise out of same P.S.

Case no., they are clubbed together and are being disposed of by
this single order for the sake of convenience.

The petitioners in both the above mentioned cases seek
regular bail in connection with Saraiya (Jaitpur O.P.) P.S. Case
No. 304 of 2017, registered for offences punishable under Sections
115, 120(B), 307 and 34 of the Indian Penal Code.

Prosecution case is that police during the course of



checking stopped the petitioners and seeing the police they tried to flee away but were caught on chase and one bomb kept in polythene was recovered from the motorcycle of Jitendra Kumar.

It has been submitted on behalf of the petitioners that even according to F.I.R, nothing has been recovered from the petitioner – Dharmendra Kumar and one co-accused having similar allegation has already been enlarged on bail by coordinate Bench of this Court vide order dated 17.10.2017 passed in Cr. Misc. No. 49004 of 2017 and so far petitioner – Jitendra Kumar is concerned, though there is allegation of recovery of bomb, however, there is no material available on record that the seized article was actually a bomb. Further they have been in custody since 14.08.2017.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner in Cr. Misc. No. 56554 of 2017, namely, Dharmendra Kumar, is concerned, he is directed to be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM –I, West Muzaffarpur, in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 304 of 2017, 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) 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.

So far petitioner in Cr. Misc. No. 56553 of 2017, namely, Jitendra Kumar is concerned, considering the nature of allegation, at this stage, I am not inclined to release him on bail rather if the forensic report was made available to the learned court below, the petitioner will be at liberty to renew his prayer for bail, which will be considered by the court below on the basis of materials available on record.

With above observation, these application are disposed of.

(Vinod Kumar Sinha, J)

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