

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24602 of 2017

Arising Out of PS.Case No. -38 Year- 2013 Thana -SALAIYA District- AURANGABAD

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Bishundeo Mistri @ Sunni Jee @ Sunni Mistri, S/o late Dukhi Mistri @ Jatu Mistri, Resident of Village- Raja Bigha P.S. Salaiya, District- Aurangabad(Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is accused in connection with Salaiya P.S. Case No. 38 of 2013 registered under Section 414 of the Indian Penal Code, Sections 25(10b)a/26 of the Arms Act, Sections 34 of the Explosive Substance Act, Section 10 of the Unlawful Activities Act and Section 17 of the C.L.A. Act.

The accusation is that, on 27.07.2013, the informant being the Sub-Inspector of Salaiya P.S. received information to the effect that 15 persons named in the F.I.R. including the Sunni Mistri, who were absconding accused in several cases relating to extremist, have constructed the Bunker to conceal their weapons at



Chanho Hill proceeded for there. On search of the bunker, uniforms, Insas rifle, Mazine, semi built double barrel guns and others explosive substances were recovered in presence of two independent witnesses, namely, Pintu Kumar @ Indradev Bhuiyan and Sanjay Rikiyasan. The informant raised suspicion about constructing the bunker and concealing the arms and explosives by 15 persons F.I.R. named accused including Sunni Mistri.

Learned counsel for the petitioner submits that petitioner used to reside at Gujrat for his livelihood and when he returned to his village then knows about the present case and in the meantime he was apprehended by the police. Further submission is that the name of the petitioner is Bishundeo Mistri but the police has disclosed his name as Sunni Mistri without parentage as detailed in the F.I.R. After arrest in the present case, petitioner has been remanded in 12 other cases, out of 12 cases he is on bail in two cases. Further submission is that petitioner is in custody since 04.02.2017 in the present case.

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-VIII, Aurngabad, in



connection with Salaiya P.S. Case No. 38 of 2013. Out of two sureties, one surety must be the close relative of the petitioner and further the petitioner shall remain present on each and every date during the course of the trial in the court below. If the petitioner fails 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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