

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5452 of 2018

Arising Out of PS.Case No. -112 Year- 2017 Thana -AMARPUR District- BANKA

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Yaswant Khaira @ Yaswan Khaira @ Yasmant Kumar Bhogta, S/o Late
Lakhan Khaira @ Lakhan Bhogta, R/o Village- Bangama, P.S.- Belhar,
District- Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 01-02-2018 Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

The petitioner is in custody since 30.03.2017 in connection with Amarpur (Phulidumar) P.S. Case No.112 of 2017 registered for the offence under Sections 121, 121A of the Indian Penal Code, Section 4/5 of the Explosive Substances Act and Sections 9, 10, 11, 13 of the U.A.P Act and Section 17 of C.L.A. Act.

Learned counsel for the petitioner submits that the petitioner was taken into custody on the basis of pure suspicion and the recoveries, which are alleged to have been made, were not from his conscious possession. It is further submitted that on the basis of such suspicion that he had connection with a naxalite group, he is languishing in jail for more than nine months.



Considering the aforementioned facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Amarpur (Phulidumar) P.S. Case No.112 of 2017, subject to the following conditions:

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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