

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32328 of 2018

Arising Out of PS.Case No. -6 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Lal Babu Prasad Kushwaha @ Lal Babu Kumar, S/o Wakil Bhagat @
Wakil Prasad Kushwaha, R/o Vill.- Majhar, P.S.- Pakri Dayal, District-
West Champaran (Motihari).
2. Ranjeet Kumar Tiwari @ Ranjeet Kumar S/o Shambhu Tiwari, R/o Vill.-
Ijara, P.S.- Govindganj (Sangrampur), District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 12-06-2018 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners, in the present case, are seeking regular bail
in connection with Harsidhi P.S. Case No. 06 of 2017, registered
for offences alleged under Sections 395/397 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioners
have not been named in the F.I.R., they are in custody since
02.03.2017, but till date no Test Identification Parade has been
conducted to establish the identity of the petitioners in the alleged
occurrence. It is further submitted that petitioners have been taken



on remand in the present case only on mere suspicion while they were arrested in another case. It is submitted that the petitioners have been made accused in three other cases, however, in all those cases they are on bail. The thrust of the submission is that the police had falsely implicated the petitioners in those cases also where they are not named or otherwise identified in the Test Identification Parade.

Learned APP for the State is present and has opposed the prayer for regular bail.

Considering the fact and circumstances of the case, wherein the petitioners are said to be in custody since 02.03.2017, they are not named in the F.I.R and till date no Test Identification Parade could be conducted to get their identification connected with the present case, I am inclined to grant regular bail to the petitioners subject to the condition that the petitioners shall cooperate in course of trial and they will put their appearance as and when required and two consecutive non-appearance in course of trial would invite cancellation of bail by the trial Court without waiting for any application from the prosecution. Let the petitioners, above named, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-



1st Class, East Champaran, Motihari in connection with Harsidhi
P.S. Case No. 06 of 2017, subject to the conditions U/S 437(3)
Cr.P.C.

(Rajeev Ranjan Prasad, J)

Arvind/-

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