

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12217 of 2018

Arising Out of PS.Case No. -213 Year- 2017 Thana -BALIA District- BEGUSARAI

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1. Surendra Mahton, S/o Late Uchit Mahto, R/o Village- Kishanpur, P.S.- Balia in the District of Begusarai.
 2. Titali Mahton @ Tituliya Mahton, S/o Sri Ramji Mahto, R/o Village- Mirjapur, P.S.- Balia in the District of Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-02-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 307, 353/34 of the Indian Penal Code and Sections 25(1-B)a/26/27/35 of the Arms Act.

The prosecution case as per the written report of Sunil Kumar, Station House Officer of Balia P.S. recorded on 02.09.2017 is to the effect that on 02.09.2017 the informant was on patrolling duty but as soon as he entered into Kamalpur Diara unknown criminals started firing. The police also resorted to fire and apprehended seven accused persons



from whose possession arms and ammunitions were recovered. The apprehended accused persons disclosed the name of the petitioners.

It is submitted by learned senior counsel for the petitioners that that the name of the petitioners sprang up on the confession of the apprehended co-accused, who have been granted regular bail, vide Cr. Misc. Nos. 524 of 2018 and 5088 of 2018 and there is no recovery from the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent

Considering the fact that the name of the petitioners sprang up on the confession of co-accused and there is no recovery from the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Balia P.S. Case No. 213 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since it appears that the investigation is still



pending, the bail bond of the petitioners shall be accepted by the learned Court below on filing affidavit to the effect that the petitioners will regularly cooperate in the investigation. The non-cooperation in investigation will give liberty to the learned Court below to cancel the bail bond of the petitioners.

(Dinesh Kumar Singh, J)

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