

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63090 of 2018

Arising Out of PS.Case No. -33 Year- 2016 Thana -DEO District- AURANGABAD

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1. Visundev Mistri @ Sanni Mistri Son of late Dukhi Mistri @ Jethu Mistri,
Resident of Village-Raja Bigha, Police Station-Salaiya, Distt.-Aurangabad
(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-10-2018 Heard the parties.

The petitioner seeks regular bail in connection with Deo P.S.case No.33 of 2016 registered for offences punishable under Sections 147, 148, 149, 326, 307, 302, 353, 386, 121, 121(A), 122, 124(A) and 427 of the Indian Penal Code, Sections 25, 26, 27 of the Arms Act, Sections 3, 4, 5 of the Explosive Substance Act, Section 17 of the CLA Act and Sections 16(1)a, 16(1)(b), 38, 39 and 40 of the UPA Act.

Allegation against the petitioner as per FIR is that the police got information that *moists* have assembled at a place, raided at the place and the firing started on the police party and the police also made return firing and it appears that the petitioner has been identified along with the other accused persons. Further



allegation is that while returning the land mine blast took place causing death of one *Sipahi*.

Submission of the learned counsel for the petitioner is that except that he is named in the FIR there is nothing against him, though he is accused in several other cases but he has been acquitted in several cases and other accused persons having similar allegation, who have criminal antecedent have been granted bail by the Co-ordinate Bench of this Court, vide order dated 15.12.2017 passed in Cr. Misc. no.54782 of 2017, order dated 9.8.2017 passed in cr. Misc. No.25654 of 2017 order dated 14.12.2016 passed in Cr. Misc. no.46402 of 2016 and order dated 12.12.2017 passed in Cr. Misc. No.49849 of 2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-VII, Aurangabad in connection with Deo P.S.Case no.33 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner must be his close relative 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 co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure 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 bond.
- (iv) Further condition that if he is found accused in similar type of cases, the prosecution shall move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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