

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12942 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- BARAULI District- Gopalganj

1. MUNNA MIAN Son of Late Babuddin Mian. Resident of Village/At- Bharkuian, Ward No. 8, P.S.- Barauli, District- Gopalganj.
2. Vakil Mian Son of Late Isha Mian Resident of Village/At- Bharkuian, Ward No. 8, P.S.- Barauli, District- Gopalganj.
3. Begam Khatoon @ Parveen Wife of Kalam Mian. Resident of Village/At- Bharkuian, Ward No. 8, P.S.- Barauli, District- Gopalganj.
4. Sahjadi Khatoon Wife of Quaish Mian. Resident of Village/At- Bharkuian, Ward No. 8, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 286 IPC and Section 3 and 4 of the Explosive Substance Act registered in connection with Barauli P.S. Case No. 271 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of 5 kg. and 73 kg. of materials for manufacture of fire crackers from the house of petitioner nos. 1 and 2 respectively. It is submitted that the petitioner no. 2 had valid licence bearing no. 185 dated 05.11.2018 and was running cracker shop at his house with the help of co-accused ladies. The petitioner nos. 1, 3 and 4 claim clean antecedents, while petitioner no. 2 is accused in one prior case, in which he is on bail. Similarly situated co-accused Imam Husen @ Imam Hussain has been granted bail by this Court in Cr. Misc. No.



10852 of 2019.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-XIV, Gopalganj in connection with Barauli P.S. Case No. 271 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner nos. 1 and 2 shall remain physically present and petitioner nos. 3 and 4 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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