

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23319 of 2019**

Arising Out of PS. Case No.-138 Year-2014 Thana- MADANPUR District-
Aurangabad

- =====
1. BIJAY SAO, aged about 40 years, male, S/o Nagayan Sao R/o village- Koyri Bigha, P.S.- Madanpur, District- Aurangabad
 2. Nagendra Mehta @ Nagendra Mahto, aged about 40 years, male, S/o Kanhai Mehta R/o village- Koyri Bigha, P.S.- Madanpur, District- Aurangabad
 3. Manoranjan Kumar, aged about 25 years, male, S/o Ramudhar Paswan R/o village- Koyri Bigha, P.S.- Madanpur, District- Aurangabad
 4. Basant Paswan, aged about 40 years, male, S/o Chandrip Paswan R/o village- Koyri Bigha, P.S.- Madanpur, District- Aurangabad
 5. Deepak Kumar, aged about 25 years, male, S/o Kameshwar Prasad R/o village- Koyri Bigha, P.S.- Madanpur, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Ms. Rupa Kumari
Mr. Yugal Kishore, Advocate.
For the Opposite Party: Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 148, 149, 353, 435, 427 of the Indian Penal Code, Section 27 of the Arms Act, Section 3/4 of Explosive Substance Act and Section 17 of CLA Act registered in connection with Madanpur P.S. Case No. 138 of 2014, G.R. No. 1419 of 2014.



3. It is submitted that the petitioners have been falsely implicated merely on suspicion, except which there is no objective material to connect the petitioner with the alleged occurrence. The F.I.R. is against as many as 500 unknown persons. The name of the petitioner has surfaced four years after institution of the F.I.R. in course of investigation. No incriminating articles have been recovered from the house of the petitioner nor from his possession. Similarly situated co-accused Pramod Kumar and Jainath Prasad @ Jaynath Kumar Mehta have been granted anticipatory bail by this Court in Cr. Misc. No. 4873 of 2019. The petitioner claims clean antecedents.

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 Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 138 of 2014, G.R. No. 1419 of 2014, 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 petitioners shall not indulge in any



similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate 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.

(iv) That the petitioners shall remain physically present 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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