

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77824 of 2018

Arising Out of PS. Case No.-122 Year-2010 Thana- BANKA District-
Banka

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1. Md. Mehrab @ Mehrab S/o Late Sk Sajad,
2. Md. Harun @ Harun S/o Late Sk Sajad,
3. Md. Junaid @ Junaid, S/o Md. Harun @ Harun All are R/o Village-
Kharihara, P.S. - Barahat, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 08-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in Banka (Barahat) P.S. Case No. 122 of 2010 registered for the offence punishable under Sections 147, 148, 149, 452 and 302 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3/4 of the Explosive Substance Act.

It has been submitted that after investigation, the police had filed final form against the petitioners which was accepted by the court below and they were discharged. However, during trial, their names were disclosed by the witnesses and on a petition filed under Section 319 Cr.P.C. they were summoned to face the trial.



It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due dirty village politics. There is no specific allegation of firing on the deceased against the petitioners rather there is specific allegation against co-accused, Siraj. Petitioners have no criminal antecedent and they are in custody since 01.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka, in connection with Banka (Barahat) P.S. Case No. 122 of 2010, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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