

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32568 of 2020

Arising Out of PS. Case No.-11 Year-2019 Thana- SUIYA District- Banka

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KHAMIR MIYAN @ KHAMIR ANSARI, Son of Md Sufil Miyan, R/O -
Ashuda, P.S. - Chanand and District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-12-2020 The matter has been taken up through virtual Court proceeding.

Let the defects, if any, be removed within two weeks after start of the physical Court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code, Sections 25(1-B)a, 26(1) and 35 of the Arms Act.

Submission is that no firearm was recovered from possession of the petitioner at the time of arrest and allegation is that petitioner along with others was preparing to commit *dacoity*.

Learned counsel for the petitioner submits that there is no material to substantiate that the preparation was only to



commit *dacoity*. Hence, the alleged offence is not attracted against the petitioner. Petitioner is in custody since 06.10.2019. Investigation of the case is already complete against the petitioner.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T. No. 57 of 2020 arising out of Suiya Police Station Case No. 11 of 2019, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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