

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 75087 of 2019**

Arising Out of PS. Case No.-123 Year-2014 Thana- MADANPUR District- Aurangabad

BHUPENDRA SAO @ BHUPENDRA RAJAK @ SANJIWAN JI @
SANJIWAN BAITHA Son of Bilash Rajak @ Rambilas Rajak Resident of
Village - Lapura, P.S.- Muffasil, Distt - Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 06-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is in custody since 01.06.2018 in Madanpur Police Station (for brevity, *PS*) Case No 123 of 2014 instituted for the offence punishable under Section (s) 124A of Indian Penal Code, Sections 25 (1-B), 26, 35 of Arms Act, Sections 3/4 of Explosive Substances Act and Section 17 of Criminal Law (Amendment) Act.

Informant, who is a Police Officer, has stated in his written complaint that he received a secret information that some extremists have assembled and are planning some illegal act. On said information, he along with other police personnel, reached there and recovered large number of explosive materials



and live cartridges of AK – 47 rifle concealed in stone chips.

It is submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. He has no connection with any extremist group. It has further been submitted that similarly placed co-accused Ram Pravesh Yadav has been granted bail by co-ordinate Bench of this Court in Cr Misc No 44480 of 2018 vide order dated 10.08.2018. Another co-accused Sanoj Saw has also been granted bail in Cr Misc No 39805 of 2018 by order dated 14.09.2018.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III, Aurangabad in Sessions Trial No 422 of 2018 arising out of Madanpur PS Case No 123 of 2014 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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