

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85333 of 2019

Arising Out of PS. Case No.-363 Year-2019 Thana- GAYA KOTWALI District- Gaya

1. SAGAR KUMAR S/O Late Ashok Prasad Resident of Village - Golbagicha, P.S.- Kotwali, District - Gaya.
2. Manish Kumar S/O Pappu Prasad Kesari Resident of Village - Bairagi Iohargali, P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-01-2020 Heard learned Counsel for the petitioners and the learned APP for the State.

The petitioners, who are in custody, seek bail in connection with Kotwali PS Case No. 363 of 2019 registered under Sections 399, 402, 414 of the Indian Penal Code and Sections 27, 25(1-b)a, 26 of the Arms Act.

Since 9.8.2019 the petitioners are in custody. Allegation is that the informant proceeded to investigate some information regarding criminals plotting a dacoity. It is alleged that when he reached near the place, three persons have fled away. Petitioners are two amongst the three allegedly fleeing away from the place. From the possession of petitioner No. 1 it



is alleged that a mobile set and a pulsar motorcycle were recovered. From the possession of petitioner No. 2 a mobile set was recovered.

Counsel for the petitioners submits that merely on suspicion petitioners have been apprehended. The arms in question was recovered from co-accused Sudhansu Sharma. The FIR also does not disclose commission of any offence in the instant case. Petitioner No. 1 was earlier accused in two cases details disclosed in para 3 of the petition and petitioner no. 2 is accused in one case since before. In the said cases the petitioners are on bail.

Considering the rival submissions prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gaya in Kotwali PS Case No. 363 of 2019 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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