

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35787 of 2021

Arising Out of PS. Case No.-25 Year-2001 Thana- ADHAOURA District- Kaimur (Bhabua)

GULAB MALLAH @ GULAB CHAUDHARY Son of Dahin Mallah @
Haridwar Chaudhary Resident of Village- Patloiya, P.S.- Bhagwanpur,
District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 307, 326 and some other minor Sections of the Indian Penal Code, u/s 27 of Arms Act, u/s 3/4 of Explosive Substance Act and u/s 17 of C.L.A. Act.

As per the prosecution case, while the vehicle of police reached near the place of occurrence, the accused persons, variously armed, hurled bomb on the police party due to which three police personnel died and the accused persons also snatched their arms.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the



confessional statement of co-accused, Bharat Singh Kharwar, who has already been granted bail by a co-ordinate Bench of this court vide order dated 09.11.2020 passed in Cr. Misc. No. 8582/2020. It is submitted that save and except confessional statement of co-accused there is no other material to suggest the complicity of this petitioner in the aforesaid crime. Petitioner claims clean antecedent and is in custody since 18.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Amrita Singh, Judicial Magistrate, 1st class, Kaimur at Bhabua in connection with Adhaura PS case No.25/2001 on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

