

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.111 of 2015

Arising Out of PS.Case No. -438 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

=====

Shashi Ranjan Kumar Son of Brij Nandan Ram Resident of village -
Pavitra Nagar, Ward No.2, P.S. Sheohar, District - Sheohar

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Advocate

For the Respondent/s : Ms. S. B. Verma (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-02-2015 This appeal is filed under Section 21 (4) of the

National Investigation Agency Act, 2008.

The appellant and some others are accused in

Minapur P.S. Case No.438 of 2014 for the offences punishable

under Sections 17 to 21 and 23 of the Unlawful Activities

(Prevention) Act, 1967 and Sections 25(1-B)A, 26 and 35 of the

Arms Act.

The appellant filed an application for grant of bail

under the relevant provision of law, before the Sessions Judge-

cum-Spl. Judge, Muzaffarpur. After hearing both the parties, the

learned Sessions Judge, Muzaffarpur dismissed the application through the order dated 08.01.2015. Hence, this appeal.

The appellant contends that even if the contents of the F.I.R. are taken as true, he cannot be arrested; nor can he be tried for the offences alleged against him.

We granted time to the learned Additional Public Prosecutor to obtain instructions. Today, the learned Additional Public Prosecutor has placed before us, a copy of the case diary.

Heard Sri Hari Kishore Thakur, learned counsel for the appellant and Ms. S. B. Verma, learned Additional Public Prosecutor for the respondent.

Prima facie, we find that the sole basis for arresting the appellant and showing him as an accused is the recovery, said to have been made. From perusal of the F.I.R., it is evident that the recovery items comprised of three pamphlets of Maoist organization, one mobile phone, identity card, bank passbook and a letter.

The question, as to whether the prosecution is able to prove the involvement of the appellant in any unlawful activities, will be considered at the stage of trial. As of now, we did not find any serious and doubtful activities attributable to the appellant.

We, therefore, allow the appeal and grant bail to the appellant. The appellant shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Muzaffarpur in connection with Minapur P.S. Case No.438 of 2014, on a condition that he shall report to the concerned police station on every first and third Sundays of every month, between 10 A.M and 11 A.M. till the disposal of the case. If he fails to report to the police Station on two consecutive dates, his bail shall stand cancelled.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

Sunil/-

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