

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.145 of 2015

Arising Out of PS.Case No. -96 Year- 2014 Thana -KURTHA District- JEHANABAD

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1. Mahesh Prasad @ Ajit Kumar, son of Ram Das Prasad
2. Shanker Saw, Son of Dwarika Saw
Both are resident of village - Dhamaul, Post - Ibrahimpur, P.S. Kurtha,
District – Arwal.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md.Imteyaz Ahmad, Advocate

For the Respondent/s : Mr. Mayanand Jha (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 10-03-2015

This appeal is filed under Section 21 of the National Investigation Agency Act, 2008 (for short, ‘the Act’) feeling aggrieved by the order dated 07.01.2015 passed by the learned Sessions Judge, Jehanabad in Unlawful Activities (Prevention) Act Case No.1 of 2014 arising out of Kurtha P.S. Case No.96 of 2014. The trial Court rejected the application for grant of bail.

Heard Sri Md. Imteyaz Ahmad, learned counsel for the petitioner and Sri Mayanand Jha, learned Additional Public Prosecutor for the State.

The sole contention urged before us is the legality

of the proceeding. It is pleaded that the sanction for trial under the Act was not obtained from the competent authority, and that the charge sheet was filed by an authority not vested with the power.

Learned Additional Public Prosecutor, on the other hand, submits that on account of some inadvertent mistake, steps were taken and the same are being rectified.

At this stage, we do not want to express any opinion on merits. The allegation against the appellants is that they have burnt the JCB machine. Barring, there are no other allegations of any serious threat to the security of nation. The truth or otherwise of the allegation against the appellants needs to be examined at the trial. The appellants are in jail for the past about nine months. We are of the view that the appellants can be released on bail subject to certain condition.

Hence, the appeal is allowed and the appellants are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jehanabad in connection with Unlawful Activities (Prevention) Act Case No.1 of 2014 arising out of Kurtha P.S. Case No.96 of 2014, and subject to further condition that they shall report to the

Kurtha Police Station on every 1st and 3rd Saturdays of the month between 10 AM and 11 AM. If they fail to report for two consecutive occasions, the bail shall stand cancelled and they shall be liable to arrest.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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