

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.142 of 2015

Arising Out of PS.Case No. -175 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

Ramu Kumar @ Ramu Paswan @ Himanshu, Son of-Rampriti Paswan, Resident of Village-Somgarh, P.S.-Sahebganj, District-Muzaffarpur.

.... Appellant

Versus

The State of Bihar

.... Respondent

Appearance :

For the Appellant/s : Mrs. Bela Singh.

For the State : Mrs. S B Verma, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-02-2015

This appeal under Section 21(4) of the National Investigation Agency Act, 2008 is filed against the order dated 18.12.2014 passed by the learned Sessions Judge-cum-Special Judge, Muzaffarpur in Sessions Trial No.907/2014.

One Sudist Ram and his nephew Manoj Ram were travelling on the road to the village Rajepur, on a motor cycle on 15.6.2014 after attaining a marriage. On being attacked with fire arms, Sudist Ram died near a culvert under construction. On the basis of fardbeyan, Sahebganj PS Case No.175/2014 was registered against 10 to 12 unknown persons. In course of investigation, one Rambali Paswan, one of the accused, is said to have revealed the name of the appellant as a participant in the attack. Based upon that, the appellant was arrested on 5.10.2014.

Since the investigation of the case was entrusted to the National Investigation Agency, an application was filed before the Special Court for bail. The Special Court dismissed the application for

bail by recording certain reasons. Hence, this appeal.

Heard Smt. Bela Singh, learned counsel for the appellant, and Smt. S B Verma, learned Additional Public Prosecutor.

Though the offences investigated under the provisions of the National Investigation Agency Act are serious in nature, we find prima facie that no specific allegation was made against the appellant, nor any arms were recovered from him. The sole basis for implicating the appellant is the statement which is said to have been made by one Rambali Paswan. The truth or otherwise thereof needs to be established in the trial. The charge-sheet has already been filed. We are of the view that continued detention of the appellant is not warranted in the facts of the case. He can be released on bail on certain conditions.

The appeal is allowed. The appellant is directed to 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 the Sessions Judge-cum-Special Judge, Muzaffarpur, in connection with Sessions Trial No. 907 of 2014 arising out of Sahebganj PS Case No. 175 of 2014 subject to further conditions that he shall report to the Sahebganj Police Station on every first and third Monday of the month between 10 A.M. to 11 A.M. If he fails to report on two such consecutive occasions, the bail shall stand cancelled.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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