

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24307 of 2015

Arising Out of PS.Case No. -6 Year- 2015 Thana -HATHAURI District- MUZAFFARPUR

1. Lal Babu Paswan, Son of Late Hitlal Paswan, Resident of Village:-Barai North, P.S:- Hathauri, District:-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Lallan Kumar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Hathauri P.S. Case No. 06 of 2015 registered for the offences punishable under Sections 384, 386, 387, 120(B) and 34 of the Indian Penal Code and Sections 17, 18, 19, 20, 21 and 23 of the Unlawful Activities Prevention Act.

Allegedly five envelops on which Mukesh Chaudhary, Anil Chaudhary, Rajiv Chaudhary and Shyam Rai were written and contact place was also written as Gidha Sahid Samarak, Gidha Bazar, were found when the informant opened his shop and thereafter in presence of all the four persons envelopes were opened in which Bharat Ki Communist Party (Mauist) was written



and one slip was also found bearing letter nos. 01, 03, 04, 05 and 06 dated 12.01.2015 and letter no. 01 and 06 were in the name of the informant wherein, Rs. 4 lac and Rs. 2 lac respectively were demanded. By another letter also amounts were demanded and accordingly F.I.R. was registered against un-known. During investigation, the name of the petitioner transpired in the confessional statement of Shambhu Rai. Submission is of false implication and no incriminating article has been recovered from possession of the petitioner and he has been arrested only on suspicion. Chargesheet has already been submitted and as such, the petitioner who is in custody since 15.12.2014 deserves sympathetic consideration as he has got no criminal antecedent. Petitioner is Sarpanch of Berai (North) Panchayat and the seized motorcycle is not stolen one.

Learned A.P.P. opposes the prayer of bail by submitting that during investigation, the allegation has been found true against the petitioner also.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st Class, Muzaffarpur arising out of Hathauri

P.S. Case No. 06 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U			
---	--	--	--