

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39045 of 2015

Arising Out of PS.Case No. -63 Year- 2005 Thana -BARGANIA District- SITAMARHI

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1. Bablu Jee @ Mithu Ram S/o Jaysi Ram Resident of Village Mahmada,
P.S. Patahi, District East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard Sri. Hans Lal Kumar and Dr. Alok Kumar

learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Bairgania P.S. Case No. 63 of 2005 registered for the offences

punishable under Sections 147, 148, 149, 332, 307, 120(B) of the

Indian Penal Code, Section 25(1-B) A 26, 27 of the Arms Act and

Section 17 of CLA Act.

The prosecution case as alleged in the written report of

the informant who is the Officer-in-charge of Riga Police Station

received information through S.P. Sitamarhi that M.C.C. members

have assembled in Bairgania area. In presence of S.P. and other

senior Police officers along with informant, surrounded the

Piprarhi Sultanpur Village. Thereafter, M.C.C. members started



indiscriminate firing on the police party. The police party also made 20 rounds of firing in self defence. It is further alleged that the police party after firing, proceeded towards the village. Thereafter the M.C.C. members fled away towards north through sugarcane field firing on the way. The police party surrounded the village and made search of each and every village house. Some of the villagers started hiding their articles and running away, who were chased and caught by the police. They are the active members of M.C.C.. The police have apprehended them from the place of occurrence and mentioned their names and from their possession fire-arms, cartridges and other articles have been received.

It has been submitted by the learned counsel for the petitioner that on the basis of village politics, the petitioner has been falsely implicated in the said case. It has further been submitted by the learned counsel for the petitioner that his name figured on the basis of confessional statement of co-accused Gauri Shankar Jha and such confessional statement has no evidentiary value in the eye of law.

Under such circumstances, let the petitioner, namely, Bablu Jee @ Mithu Ram in the event of his arrest or surrender within a period of four weeks from today before the learned court

below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 63 of 2005 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However it may be noted that since the petitioner is accused in another case i.e Patahi P.S. Case No. 84 of 2005 for similar offences and if the petitioner further indulges in an offence of similar nature, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced by this order.

(Nilu Agrawal, J)

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