

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.126 of 2015

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

Dashrath Ram @ Himansu @ Ganesh Bharti @ Gautam S/O Bhagwat Ram
Resident of vill-Berai,P.O-Berai,P.S-Hathauri,Distt-Muzaffarpur

.... Appellant

Versus

The State of Bihar

.... Respondent

Appearance :

For the Appellant/s : Mr. Akhauri Kamal Kishore Sahany

For the Respondent/s : Mrs. S B Verma, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-02-2015

This appeal is filed under Section 21(4) of the N.I.A. Act, 2008 feeling aggrieved by the order dated 8.1.2015 passed by the learned Sessions Judge-cum-Special Judge, Muzaffarpur in Minapur Case No. 438 of 2014.

The appellant was arrested on 27.10.2014 by Sub Inspector of Police of Minapur Police Station. It was alleged that on receiving information of meeting of extremist/naxalites was taking place in the house of one Deep Lal Sahni in the village of Hajratpur for planning disruptive activities, the Sub Inspector of Police made entry in the Special Diary and proceeded further with the assistance of a raiding party in the leadership of Addl. S.P. after giving information

to the Sr. S.P. and surrounded the house. On seeing the police, some persons of the house fled away, but some others including the appellant herein were apprehended. A country-made loaded pistol and two live cartridges are said to have been recovered from the possession of the appellant apart from some other materials.

The appellant filed bail application in Minapur PS Case No.438 of 2014. The learned Special Judge, Muzaffarpur has dismissed the application by stating certain reasons.

The appellant contends that the allegations made against him are not proved and there are no criminal antecedents at all for him.

On behalf of the respondent, a detailed counter affidavit has been filed. It is stated that the appellant is a member of Naxalite group and he is the Zonal Secretary, even according to his confession. It is also stated that unlicensed arms were recovered from the appellant and setting him at liberty would cause serious threat of peace in the area.

Heard Sri Akhauri Kamal Kishore Sahay for the appellant and Ms. S B Verma, learned APP.

Allegation against the appellant is serious in nature. He is said to have been apprehended at a time when a meeting of the extremist outfit was taking place and a loaded country-made pistol and live cartridges are said to have been recovered from his possession. Though it is not the stage to verify the truth or otherwise of the confessional statement, the very fact that unlicensed weapon was recovered from the appellant would dissuade this Court from granting him bail at this stage. Though charge-sheet is submitted in respect of the appellant, investigation in respect of other accused is said to be in progress.

We, therefore, dismiss this appeal, however, leaving it open to the appellant to renew his prayer after completion of investigation.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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