

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.77 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -HATHAURI District- MUZAFFARPUR

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Md. Jalil @ Jilwa @ Jilla S/o late Akbar Mian, resident of village-Sodhana
Madhopur, P.S. Siwaipatti, District-Muzaffarpur

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Respondent/s : Mr. G. P. Jaiswal (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 19-02-2015

This appeal is filed under Section 21 (4) of the
National Investigation Agency Act, 2008.

The appellant and some others are facing trial in
Sessions Trial No.750 of 2014, on the file of 10th Additional
Sessions Judge, Muzaffarpur. That Sessions Trial arose out of
Hathauri P.S. Case No.34 of 2014 for the offences punishable
under Sections 16 to 20 and 38 of the Unlawful Activities
(Prevention) Act, 1967 and Sections 3 and 4 of the Explosive
Substance Act and Section 427 of the Indian Penal Code.

The appellant filed an application for grant of bail in
Sessions Trial No.750 of 2014 under the relevant provision of

law. After hearing both the parties, the trial Court dismissed the application through the order dated 10.10.2014. Hence, this appeal.

The appellant submits that his name did not figure in the F.I.R and there was no basis to array him as an accused in the case. It is also pleaded that the investigation was complete and in the charge sheet, no specific act was attributed to him.

On behalf of the respondent, a detailed counter affidavit is filed. It is stated that though the name of the appellant did not figure in the F.I.R., his involvement in the instant case came to light during the course of investigation. It is also pleaded that the appellant is a part of Maoist group, which is indulged in unlawful activities and the grant of bail to him would be detrimental to the public interest.

Heard Sri Sanjay Kumar, learned counsel for the appellant and Mr. G. P. Jaiswal, learned Additional Public Prosecutor for the respondent.

It is no doubt true that the appellant is facing trial under the various provisions of the Unlawful Activities (Prevention) Act, 1967. However, we, prima facie, find that (a) the appellant's name did not find place in the F.I.R., and (b) in the subsequent investigation also, no specific act was attributed

to him. Para 62 of the case diary constituted basis for implicating the appellant. Even from that we, prima facie, find that no specific act is attributed to him.

We, therefore, allow the appeal and grant bail to the appellant. The appellant shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of 10th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No.750 of 2014, arising out of Hathauri P.S. Case No.34 of 2014, on a condition that he shall report to the concerned police station on every first and third Sundays, of every month between 10 A.M and 11 A.M. till the disposal of the case. If he fails to report to the police Station on two consecutive dates, his bail shall stand cancelled.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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