

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.139 of 2015

Arising Out of PS.Case No. -55 Year- 2012 Thana -DHARHARA District- MUNGER

=====

Sanjay Sharma Son of Nakul Sharma resident of village - Khuddiban, P.S.
Dharhara, District - Munger

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh

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: 27-02-2015

The appellant figured as an accused in Dharhara PS Case No. 55 of 2012 for committing offence punishable under Section 124 (Ka) of the Indian Penal Code, Sections 25(1-b)A, 26/35 of the Arms Act and Section 20 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the 'U A P Act').

The appellant was arrested on 18.3.2014. With the prayer for granting him bail, the appellant filed Bail Petition No. 337 of 2014 before the court of 3rd Additional Sessions Judge, Munger. The learned trial court dismissed the application on 27.6.2014.

Hence, this appeal under Section 28 of the U A P Act.

Shri Ajit Kumar Singh, learned counsel for the appellant submits that his client did not figure as an accused in the FIR and his name was included only on the basis of the confessional statement of one Jhapshu Yadav. He contends that said Jhapshu Yadav filed Cr. Misc. No.50710 of 2012 before this Court and on the

basis of the order passed on 5.4.2013 he was released on bail.

Smt. S B Verma, learned APP on the other hand submits that the case filed by Jhapshu Yadav was dealt with by the learned Single Judge on wrong impression of fact and incorrect provisions of law and the same cannot be construed as a precedent for releasing the petitioner on bail.

This is not a case in which any arms or ammunition was recovered from the appellant. The only basis for his inclusion in the offence was the statement said to have been recorded from Jhapshu Yadav. Whatever may be the circumstances under which the Court had passed the order dated 5.4.2013, the fact remains that the petitioner in the case was released on bail.

Under these circumstances, we allow the appeal. The appellant deserves to be released on bail on certain conditions. It is ordered accordingly.

The appellant is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in connection with Dharhara PS Case No.55 of 2012 with further condition that he shall appear before the concerned Police Station on every first and third Saturday of every month between 10 – 11 A.M. If he fails to report for two consecutive occasions, his bail bond shall stand cancelled.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

mrl

U			
---	--	--	--