

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45016 of 2015

Arising Out of PS.Case No. -206 Year- 2008 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Neeraj @ Avinash Kumar @ Jai Narayan Kumar Paswan son of Jangalu Ram, Resident of village- Khalishpur, P.S.- Saray Ranjan, Dist.- Samastipur. Permanent resident of village- Bakarpur Niurpura, P.S.- Rajapakar, Dist.- Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate.

For the Opposite Party : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-09-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 121, 121(A), 122, 147, 148, 149, 353, 333, 307, 323, 324 and 412 of the Indian Penal Code, under Sections 25(1-b)A, 26, 27 and 35 of the Arms Act, Sections 4/5 of the Explosive Substances Act, Sections 17/18 of the C.L.A. Act and Sections 16, 19 and 20 of Unlawful Assembly Act.

The petitioner is of course named in the FIR, but the name of the petitioner is mentioned in the FIR on the basis of the fact that one diary was recovered from the place of occurrence in which it was written that one SLR and 230 cartridges were handed over to the petitioner. The petitioner was not arrested on the spot.

Nothing has been recovered from the conscious possession of the petitioner. The petitioner is in jail for more than four years. Similarly situated accused Budhan Sahni and Atish @ Chhotelal Ram @ Guddu have already been enlarged on bail vide orders passed in Cr. Misc. No. 12433 of 2010 and Cr. Misc. No. 36488 of 2012. The prayer for bail of the petitioner was rejected earlier with liberty to renew his prayer for bail after hearing on the point of charge. Charges have already been framed.

Considering the facts aforesaid and the fact that the petitioner is in jail for more than four years, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ad hoc Additional Sessions Judge-I, Motihari, East Champaran in Sessions Trial No. 170 of 2015, arising out of Motihari (M) P.S. Case No. 206 of 2008, subject to the condition that the petitioner shall appear during the course of trial as and when required by the trial court.

(Prabhat Kumar Jha, J.)

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