

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40748 of 2015

Arising out of PS.Case No. -36 Year- 2012 Thana -NAYAGAON District- SARAN

Chandeshwar Sahani @ Chandeshwari Sahani, son of Deo Nandan Sahani,
resident of Village - Badhichak Sulaman , Dih, P.S. Maker District - Saran.
.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate.
For the Opposite Party : Mr. Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 06.08.2013
in connection with Sessions Trial No. 126/2014, arising out of
Nayagaon P.S. Case No. 36 of 2012 for the offences instituted
under Sections 144, 341, 342, 436 of the IPC and 17 of the C.L.A.
Act.

The prosecution story, in brief, is that the informant is a
contractor who used to supply in road construction by different
construction company and on 13.04.2012 at about 11.30 P.M.,
while the informant was at his home, he learnt on mobile that
25-30 miscreants captured his all staff and made them bound to
stop *Hywa* and *Popelane* then the informant gave information to
local police and rushed towards his site and found that his

Popelane and *Hywa* were set on fire by miscreants who were armed with sophisticated weapons. Motive behind this occurrence is said to be non-payment of demand of levy at the rate of 10% and the miscreants were raising slogan of Maoist.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.08.2013 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. No specific allegation has been made against him. Other co-accused have been granted bail by this Court vide Cr. Misc. Nos. 38509/2012 and 35770 of 2012.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 9th Additional Sessions Judge, Saran at Chapra, in connection with Sessions Trial No. 126 of 2014, arising out of Nayagaon P.S. Case No. 36/2012.

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(Sudhir Singh, J)