

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25139 of 2016

Arising Out of PS.Case No. -237 Year- 2015 Thana -JAMUI District- JAMUI

=====

Sakaldeo Saw @ Sakaldeo Sah, Son of Baleshwar Sah. Resident of Village-
Sarkanda, P.S. Sono, District- Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Madhuranand Jha(App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Jamui P. S. Case No. 237 of 2015 for offences alleged
under Sections 448, 307, 120B, 149 of the Indian Penal Code,
Section 27 of the Arms Act and Sections 3, 4, 5 of the
Explosive Substance Act.

The prosecution case as lodged by the informant is
that the informant is at present Mukhiya of Gram Panchayat
Harkhar and he is living in the house of Shankar Sawh on
eastern upper floor situated at Budhman-talab. On 4.9.15 at
8.45 A.M. as soon as, he came out from his office room, he saw
two unknown persons. One of them was of white complexion



and other was wearing black glass, who abused him by calling Sautar Mukhiya and threatened to kill him. He also told that his leader brother Munna Sah and his associates Daya Rabidas, Guddu Sinha, Mahesh Sah, Uday, Jitendra and Gautam Ram have given order to kill and then he took out pistol from his waist and fired upon the informant, but pellet did not hit him and he with a view to save his life confined himself in a room. The nephew Sushil Hembram was sitting in dining hall. Both criminals entered into dining hall, then, his nephew caught one of the miscreants of white complexion, another persons who had black glass in the eye fired upon him from his pistol, but pellet hit one of the criminal then informant at once gave information to S.P. and Jamui P.S. by his mobile No. 9801347398. On hulla, miscreants exploded bomb and also made firing and fled away towards P.D. middle school, towards Budhmantalab Chawk. It is further stated that one rickshaw-puller also sustained injury of extract of bomb. It is stated by the informant that when he was elected as Mukhiya, then all the accused persons under a conspiracy wanted to kill him. Munna Sah and Daya Rabidas from jail gave order to Mahesh Sah and other criminals by his phone to kill Mukhiya and he also told that if he killed him, then no body will contest election. The

accused persons are renowned criminals and they are also involved in a number of cases.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, is not involved in the present case and has no connection with the said occurrence. It has further submitted that no incriminating article or substance has been recovered from his possession and it is only on the basis of the confessional statement of one co-accused Gautam Ram, the name of the petitioner has surfaced. It has further been submitted that the supervision note also does not find allegation upon the petitioner to be entirely true which was subject to further investigation. The petitioner further submits that he is a man of means hence there is no chance of his absconding or tampering with the evidence in this case and he has no criminal history as is evident from para-3 of this application.

However, the learned APP for the State submits that the petitioner is although not named in the F.I.R. but his name came on the confessional statement of one co-accused Gautam Ram and he accompanied the accused persons and was also injured during firing hence, opposes the prayer of bail.

Be that as it may, since the confessional statement of the co-accused Gautam Ram has no evidentiary value in the eye

of law, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P. S. Case No. 237 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner will cooperate with the investigation and appear before the Police/ Court as and when required, and failing to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--