

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18208 of 2016

Arising out of PS.Case No. -206 Year- 2014 Thana -BOCHHA District- MUZAFFARPUR

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Ram Babu Sahani, Son of Asharfi Sahani, resident of village - Shivdaspur,
P.S. Katra, District – Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 24.09.2015
in connection with Bochahan P.S. Case No. 206 of 2014 for the
offences instituted under Sections 147, 148, 149, 341, 323, 435,
385, 387, 307 of the IPC, 27 of the Arms Act, 16,17 and 18 of the
Unlawful Activities (Prevention) Act, 1967.

The prosecution case, in short, is that for non-fulfilment
of levy, the JCB machine was set on fire and someone fired which
hit on the leg of the informant. Subsequently, the informant was
taken to the hospital.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 24.09.2015 and the charge sheet has

been submitted in the present case. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R., nor any specific allegation has been made against him in the FIR. The petitioner has been made accused on the basis of a confession made before the police. Except for the confessional statement of the petitioner there is no other material to suggest his implication in the present case. There is no allegation of tempering with the evidence against the petitioner. There is no incriminating article recovered from possession of the petitioner. The other co-accused has been granted bail by this Court vide Cr. Misc. No. 12300 of 2016.

On behalf of the State it has been submitted that the petitioner is not 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 Sessions Judge, Muzaffarpur in connection with Bochahan P.S. Case No. 206/2014.

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(Sudhir Singh, J)