

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17026 of 2016

Arising out of PS.Case No. -282 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

Harendra Das, Son of Late Kamal Das, resident of village- Baidyanathpur,
P.S.- Tariyani, Dist.- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajan, Advocate.

For the Opposite Party : Mr. Shantanu Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 15.11.2015
in connection with Majorganj P.S. Case No. 282 of 2015 for the
offences instituted under Sections 4, 5, 6 of the Explosive
Substances Act, 17 and 18 of U.P.A. Act and Section 17 of C.L.A.
Act.

The prosecution story, in brief, is that 15.11.2015 on
secret information, the informant and other police officials came
near the house of Kanhai Rai where three miscreants were
standing with one motorcycle and seeing the police party, they



tried to flee away, but on chase, the police party caught two miscreants who told their names as Dinesh Pandit @ Daya and Harendra Das and on search, four Purchas of Maoist, Samsung Mobile were recovered from possession of Dinesh Pandit @ Daya and nothing has been found from possession of Harendra Das. Some incriminating articles were also recovered from Sugarcane field. The miscreants disclosed that one Lalbabu Sahni @ Bhaskarji and his other companions assembled there for manufacturing bomb for committing offence. The informant seized these articles and prepared seizure list.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.11.2015 and the charge sheet has been submitted in the present case. He has been made accused in the present case due to mistake of fact. There is no recovery of any incriminating article from possession of the petitioner. Whatever is said to have been recovered is from the co-accused Dinesh Pandit @ Daya.

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 A.C.J.M., Sitamarhi,
in connection with Majorganj P.S. Case No. 282 of 2015.

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(Sudhir Singh, J)

