

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1714 of 2016

Arising Out of PS.Case No. -63 Year- 2005 Thana -BARGANIA District- SITAMARHI

1. Hari Ram @ Hari Jee S/o Late Parichan Ram, Resident of Village- Barka Gaon, P.S.- Pakridayal, District- East Champaran..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Narsing Tanti(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-03-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Bairagania P.S. Case No. 63 of 2005 registered for the offences punishable under Sections 25(1-B)a,26, 27 of the Arms Act and Section 17 of C.L.A. Act.

Allegedly, the informant and other Police personnel surrounded village Sultanpur Piprahi after getting information that 100-150 MCC extremists have assembled to commit crime and then extremists opened fire and started fleeing away, the Police also resorted to firing, however, some of the miscreants were arrested and they stated that they are the members of the MCC and further several arms and ammunitions were recovered as per seizure list and during firing one constable Upendra Prasad was found

dead and some Police personnel were also found traceless.

Submission is of false implication and that the petitioner was not apprehended at the spot, name of the petitioner was taken by Anju Devi before Police which has got no evidentiary value in the eye of law, nothing has been recovered from possession of the petitioner and other co-accused Om Prakash Paswan, Rajendra Paswan, Shashi Bhushan Jha and Jahir Madari have been allowed bail and further recently Bablu Jee @ Mithu Ram has been allowed pre-arrest bail vide Cr. Misc. No. 39045 of 2015 by another co-ordinate Bench of this Court and as such the petitioner who is suffering in custody since 20.02.2015 deserves sympathetic consideration.

Learned APP submits that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that other co-accused have been allowed bail and further considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairagania P.S. Case No. 63 of 2005, subject to the conditions that one of the bailors must

be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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