

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23503 of 2016**

Arising Out of PS.Case No. -71 Year- 2015 Thana -NIMACHANDPUR District- BEGUSARAI

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1. Santosh Sada @ Santosh Rai Son of Yugal Sada
2. Rajeev Paswan Son of late Ram Pravesh Paswan
3. Krishna Kumar Paswan Son of Sikandar Paswan
4. Raj Kishore Sada Son of Mahendra Sada

All resident of Village- Kusumahaut PS Neema Chandpura District Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kalyan Shankar

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

3      02-06-2016                      Heard learned counsel for the petitioners and learned  
counsel for the State.

In this case, the petitioners are seeking bail in connection with Neema Chandpura P.S. Case No. 71 of 2015 registered for offences under sections 147, 148, 149, 307, 302, 323, 353, 333, 224, 225 of the Indian Penal Code and Section 27 of the Arms Act as also Section 18/20 of the U.A.P.A. Act.

As per allegation, the officials and Jawans had gone to catch Monu Sada who is said to be a Commander of Naxal. He was apprehended and was being taken on motorcycle. He raised alarm and the persons of the locality assembled there and started

brick bating whereupon one of the Jawan received injury and he died thereafter. The names of the petitioners have surfaced on the statement of one person who was involved in the incident.

This Court has examined the case diary which was called for in Cr. Misc. No. 15210 of 2016. From perusal of the case diary, it does not transpire that the petitioners have actively participated in the incident. It is emerging from the case diary that large number of persons have assembled and every person has contributed in brick bating with the police, whereupon, the veteran criminal Monu Sada escaped from the clutches of the police but later on he was arrested by the police and made confessional statement which also did not disclose the name of the petitioners to be actively participated in the brick bating with the police. Six other accused person, namely, Manoj Sada, Babloo Sah, Arun Sada, Kapildeo Sada, Sarjan Sada, Chalitter Sada and Shankar Sada have been granted bail vide order dated 23.5.2016 in Cr. Misc. No. 15210 of 2016.

Looking to the facts and circumstances of the case, let the petitioners, namely, Santosh Sada @ Santosh Rai, Rajeev Paswan, Krishna Kumar Paswan and Raj Kishore Sada, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Begusarai in connection with Neema Chandpura P.S. Case No. 71 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioners (ii) if the petitioners are found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of their bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioners would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioners will report to the Neema Chandpura police station by 7<sup>th</sup> of every month for at least six months and in case of failure without any valid rhyme or reason, the bail of the petitioners will be treated to have been cancelled.

**(Shivaji Pandey, J)**

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