

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21332 of 2016

Arising Out of PS.Case No. -1070 Year- 2015 Thana -SAHARSA District- SAHARSA

1. Kanhaiya Swarnkar S/o Gandhi Prasad Swarnkar @ Gandhi Swarnakar
Resident of Village- Sonbarsa Raj, PS Sonbarsa Raj, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Parmanand Prasad (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 1070 of 2015 registered for the offences punishable under Sections 384, 386, 504, 506/34 of the Indian Penal Code.

Allegedly, some pamphlets of PLFI containing anti-national literatures were recovered at different places of Saharsa, some of the members of PLFI were apprehended in Hilsa P.S. Case No. 550 of 2015 and from their possession also some *parcha* was recovered. A.T.S. headquarter, Bihar Patna informed Saharsa, S.P. that two mobile bearers are having connection with PLFI at Saharsa and out of that two mobiles, one mobile was of the

petitioner, then the petitioner was apprehended and from his house several articles as per the seizure list including one pamphlet were recovered.

Submission is of false implication and that no offence as alleged is made out against the petitioner, no one has come forward to say that the petitioner ever demanded any ransom from anyone. It has not come that the petitioner has used his mobile in talking with any of the member of PLFI or the head of the PLFI, no proper investigation has been done, no complaint or any objectionable item was recovered from possession of the petitioner and without any basis chargesheet has been submitted against the petitioner, resulting he is suffering in custody since 02.01.2016, having one criminal antecedent which is under Sections 323 and 379 IPC, wherein he is already on bail.

The learned A.P.P. opposes the prayer of bail by submitting that one pamphlet and other objectionable articles were recovered.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 1070 of 2015 subject to the conditions that one of the bailors must be 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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