

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6642 of 2016

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

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Brahmdeo Ram @ Brahmdeo Chamar son of Late Bhukhlu Ram, resident
of village- Barka Gaon, P.S.- Pakarideyal, District – East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 12-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 332, 307, 120B of the Indian Penal Code, 25(1-
B)a/26/27 of the Arms Act and 17 of the Criminal Law
Amendment Act.

The prosecution case is that the Officer
Incharge of Riga Police Station received information through
Superintendent of Police, Sitamarhi that members of banned
MCC extremist organization have assembled in Bairstania area.
Thereafter, in presence of the Superintendent of Police and other
senior police officers along with informant, surrounded the



Piprahi Sultanpur village. Thereafter, MCC members started indiscriminate firing on the police party. The police party also made 20 rounds of firing in self defence. It is further alleged that the police party after firing, proceeded towards the village, thereafter the accused persons escaped from the scene. Some of the miscreants were apprehended from the spot with arms and ammunitions.

It is submitted by learned counsel for the petitioner that the case was registered in 2005 and name of the petitioner sprang up in 2014 in the confessional statement of co-accused Gauri Shankar Jha. Statement to that effect has been made in paragraph 8 of the petition. It is further submitted that the investigation is still pending. Statement to that effect has been made in paragraph 9 of the petition. Similarly situated accused persons have been granted anticipatory bail vide Cr. Misc. Nos. 39045 of 2015 and 54130 of 2015.

Considering the fact that the petitioner is accused in two other cases, though, it is submitted that he is on bail in both the cases and he has been named, this Court is not inclined to granted anticipatory bail to the petitioner. But, considering the fact that the petitioner's name sprang up in the matter after nine years of registration of the FIR in the

confessional statement of the co-accused and the investigation is still pending, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Bairgania P.S. Case No. 63 of 2005 pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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