

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9959 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -DUMARIA District- GAYA

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Ramesh Bhuiyan, son of Briksh Bhuiyan, Resident of village- Bikopur,
P.S.- Maigra, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Dumariya P.S. Case No. 12/15 for offences alleged under Sections

147, 148, 149, 212, 216, 323, 324, 325, 326, 307, 353, 302, 332,

333, 435, 120-B, 379 of the Indian Penal Code, under Section 27

of the Arms Act, under Sections 3, 4, 5 of the Explosive

Substances Act, under Section 17 of the C.L.A. Act and under

Sections 10, 11, 13(i), 13(ii) of the UAP Act.

The prosecution case, as lodged by the

informant is that on 23.02.2015, the constables of Cobra Battalion,

CRPF proceeded for patrolling when they had an encounter with

the armed 25 named and about 90-100 unknown naxalites though



there had been no casualty. It is further alleged that on 24.02.2015 at about 9.00 P.M. when the patrolling party moved forward then they saw 26 persons including the petitioner on the road, hence, suspected to be associates of armed naxalites and being deployed for keeping an eye on the movement of patrolling party and were providing information to the naxalites. Subsequently, naxalites blasted the bus of the patrolling party resulted injury to the several persons and subsequently two police personnel succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that it is only on the basis of suspicion that the petitioner was supplying information to the naxal group that the acquisition against him has been levelled. He further submits that the petitioner has been made accused in Dumariya P.S. Case No. 11/15 which related to the same occurrence of the same day regarding the same offence, but otherwise he has a clean antecedent. It has further been submitted that there was a mob of 90-100 people but 51 persons have been named in the First Information Report and explosion of bomb on the bus is not specific and no overt act has been alleged against the petitioner. He further submits that some of the co-accused, named in the First Information Report, have since been granted the privilege of

anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 43215 of 2015 on 24.09.2015 and Cr. Misc. No. 54406 of 2015 on 01.12.2015 and the allegation upon the petitioner is also similar.

However, learned APP for the State submits that although no specific allegation has been levelled against the petitioner during investigation, but petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the other accused persons, having similar allegation, have since been granted the privilege of bail and the allegation against this petitioner not being specific, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 learned A.C.J.M., Sherghati, Gaya, in connection with Dumariya P.S. Case No. 12/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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