

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15210 of 2016

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

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1. Manoj Sada S/o Bhukhal Sada
 2. Babloo Sah son of Nako Sah
 3. Arun Sada Son of Biran Sada
 4. Kapildeo Sada Son of Ram Krishna Sada
 5. Sarjan Sada Son of Narayan Sada
 6. Chalitter Sada Son of Bhutar Sada
 7. Shankar Sada Son of Sonelal Sada
- All residents of Village - Kusumahaut, P.S. Neema Chandpura, District - Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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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 JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in judicial custody since 28.10.2015 in connection with Neema Chandpura P. S. Case No. 71 of 2015 for offences alleged under Sections 147, 148, 149, 307, 302, 323, 353, 333, 224, 225 of the Indian Penal Code, Section 27 of the Arms Act and Section 18/20 U.A.P.A. Act.

The prosecution case as lodged by the informant is that on 27.10.2015, he along with other police officers as well



as the armed force had gone on motor-cycle in Kushmoth road for investigation, he came to know that the veteran criminal Bonu Sada, who is wanted in so many cases and is absconder, also known as Narcali Commander and is at his Kushmoth Dera along with his associates. The informant along with his associates reached that place at 11:00 to 12:00 hours. The accused persons (named in the F.I.R.) along with other unknown persons were sitting. Bonu Sada was arrested and taking him on the motor-cycle, the informant proceeded along with armed force.

It has been submitted by the learned counsel for the petitioners that they just gathered at the place of occurrence and have no criminal antecedent as is evident from para-3 of this application. He submits that the main accused Bonu Sada in his confessional statement has confessed that on his firing, the said constable received injury and he succumbed. He further submits that there was a mob and the petitioners have been named along with others by the Chaukidar, who is not the informant. He further submits that he belongs to a different Tola and no case under Sections 307, 302 of the I.P.C., Section 27 of the Arms Act and Section 18/20 U.A.P.A. Act is applicable against them. He further submits that the petitioners are ready to abide by the

terms and conditions of the bail as charge-sheet has been submitted and there is no chance of absconding or tampering with the evidence.

However, the learned APP for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since there is no direct allegation and the confessional statement of the main accused, who has confessed his guilt, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Neema Chandpura P. S. Case No. 71 of 2015.

ajaypd./-

(Nilu Agrawal, J)

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