

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52508 of 2015

Arising out of PS.Case No. -50 Year- 2007 Thana -RIGA District- SITAMARHI

Bengali Sahni, Son of Late Ragho Sahni, Resident of Village- Shahpur, P.S. Sheohar, District- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate.
For the Opposite Party : Mr. Chandra Bhushan Prasad(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Riga P.S. Case No. 50 of 2007 for the offences instituted under Sections 147, 148, 149, 302, 307, 324, 395, 427 of the IPC., 27 of the Arms Act, ¾ of the explosive Substances Act and 17/18 of the C.L.A. Act.

The prosecution story, in brief, is that on 31.03.2007 at about 6.30 P.M., the informant heard explosion sound from the side of Riga Sugar Factory and rushed there and saw about 200-250 Maoists variously armed with fire-arms, bombs and other deadly weapons and they began recklessly firing. They had



collected to loot the Central Bank of India, Riga, loot the arms and ammunitions of Riga P.S. and commit murder of policemen. They exploded bombs, opened about 500 rounds of fire and the police had also encountered and a female *Maobadi* and one Sap Jawan Madan Lal Prasad were murdered by fire arms. The miscreants attempted to break the sheaf of the Bank but could not succeed. They were talking among themselves by means of waki-taki. The Home guard, Thagan Singh and B. K. Sanyal, cashier/Asstt. Branch Manager was also injured.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. Though FIR was instituted in the year 2007 but the petitioner has been made accused in the present case in the year 2014. There is no direct or indirect evidence against the petitioner.

On behalf of the State it has been submitted that though the petitioner is not named in the FIR but incident relates to attack by Maoist on the local police station.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Riga P.S. Case No. 50/2015, pending in the court of the learned CJM, Sitamarhi. Anyhow, if the petitioner surrenders in

the court below the same shall be considered on its own merit
without being prejudiced by this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

