

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43060 of 2014

Arising Out of PS.Case No. -140 Year- 2013 Thana -GOH District- AURANGABAD

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1. Vikash Singh Chandrabanshi Son of Phekan Singh resident of Bibipur, Police Station- Rafiganj, District- Aurangabad.
 2. Anil Singh Chandrabanshi, Son of Late Khelawan Singh Chandra Banshi, resident of Khaira Mohan, Police Station- Goh, District- Aurangabad.

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

3 30-03-2016

Heard learned counsel for the parties.

The petitioners seek bail in Goh P.S. Case No. 140 of 2013 dated 18.07.2013 instituted under Sections 147/148/149/324/353/307/326/435/379/427/302 of the Indian Penal Code, 27 of the Arms Act, 3/4 of the Explosives Substance Act, 17 of the C.L.A. Act and 10 to which later on Sections 16, 17, 18, 19 and 20 were also added of the Unlawful Activities (Prevention) Act, 1967.

This is the second attempt by the petitioners for bail as earlier such prayer was rejected by order dated 30.06.2014 passed in Cr. Misc. No. 12542 of 2014.

Learned counsel for the petitioners submits that they are accused in the case only on the basis of confessional statement and that too before the police which is inadmissible in law. It is submitted that even as per the confessional statement, at worst, the petitioners were mere informants for the extremist and their role was only to keep watch on the movement of the police. He further submits that confessional statement does not disclose any role connected with the incident in question and thus they deserve the privilege of bail as they have no criminal antecedent and have been in custody since 20.10.2013. Learned counsel has also drawn the attention of this Court to Annexure 4, which is copy of order dated 24.09.2014 passed in Cr. Misc. No. 17333 of 2014, by which two co-accused in the case have been granted bail.

Learned A.P.P. for the State submits that the petitioners have confessed to be member of the extremist organization. However, he is not in a position to controvert the fact that even as per the confessional statement, on the basis of which they have been made accused, does not disclose any active role in the main incident.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in Goh P.S. Case No. 140 of 2013, subject to the condition that one of the bailors shall be a close relative.

The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to do so shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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